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INVESTIGATION OF SOVIET ESPIONAGE — PART 2

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-FIFTH CONGRESS SECOND SESSION

FEBRUARY 28, 1956

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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EDWIN E. WILLIS, Louisiana

WILLIAM M. TUCK, Virginia ¹

BERNARD W. KEARNEY, New York

DONALD L. JACKSON, California

GORDON H. SCHERER, Ohio

ROBERT J. MCINTOSH, Michigan

RICHARD ARENS, *Staff Director*

¹ Mr. Tuck was appointed to the committee January 16, 1958, to fill vacancy caused by resignation of Hon. James B. Frazier, Jr., of Tennessee.

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

- (q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

- (a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

Pursuing connective information derived from United States counterspy Boris Morros, the Committee on Un-American Activities in executive hearings held on February 25, 1958, continued its interrogation of persons formerly employed by the Government respecting the Soviet espionage apparatus in the United States. The first series of hearings on this subject were held on October 7, 8, and 9, and November 20, 1957.

Among the persons interrogated during the second series of hearings was Olivia Israeli, formerly employed by the United States Civil Service Commission and the Social Security Board. Mrs. Israeli, in addition to her Government employment, has also been employed by the United Federal Workers, a Communist-controlled union comprised of Government employees not only in Washington, D. C., but elsewhere. When questioned regarding past and present membership in the Communist Party of the United States, Mrs. Israeli invoked the first and fifth amendments to the Constitution and refused to answer.

Another person heard by the committee on February 25, 1958 was Herman Zap of Florida, New York, formerly employed by the United States Department of Agriculture and the Secretariat of the United Nations. While a member of the Armed Forces of the United States, Mr. Zap was attached to the Proving Ground Command at Eglin Field, Florida, and the American Military Government in Germany. The committee's purpose in questioning Mr. Zap was to develop information concerning interlocking elements of the Communist conspiracy in the United States Government during the time that Whittaker Chambers and Elizabeth T. Bentley had served as couriers for the Soviet espionage apparatus. When questioned regarding past and current membership in the Communist Party, Mr. Zap refused to answer and invoked the first and fifth amendments to the Constitution. Mr. Zap denied participation in espionage, but refused to testify as to whether he knew Henry Hill Collins, Jr., who has been identified by Whittaker Chambers as a member of the Communist Party. He also refused to tell the committee whether he knew Mr. and Mrs. Bela Gold, who were identified by Elizabeth T. Bentley as members of the Communist Party during the time she operated as a Soviet espionage courier. Henry Hill Collins, Jr., and Mr. and Mrs. Bela Gold were formerly employed by the United States Government. The testimony of Henry Hill Collins, Jr., taken during the 1957 hearings on the general subject of espionage, has previously been released by the committee.¹

Also appearing on February 25 was William Shonick, currently employed by the Federation of Jewish Philanthropists in New York

¹ See: Investigation of Soviet Espionage, hearings held October 7, 8, and 9, and November 20, 1957.

City. He has been employed by the United States Government and as a teacher in the Montgomery County, Md., school system. Mr. Shonick denied current Communist Party membership, but refused to answer on the basis of the first and fifth amendments when questioned as to past membership in the Communist Party of the United States. He also refused to furnish information regarding his employment during the year 1951 to sometime during the year 1956. He gave as his reason the possibility that such information might subject him to criminal proceedings.

Arthur Stein, 131 Westminster Road, Brooklyn, N. Y., was another witness before the committee on February 25, 1958. Stein is a former employee of the United States Government who invoked the fifth amendment regarding Communist Party activity and membership during a previous appearance before the committee during the year 1956. He was recalled during the current hearings because of new information obtained by the committee regarding the Communist cell to which he belonged while employed by the United States Government. Stein, during his recent appearance before the committee, invoked the first and fifth amendments not only to questions regarding current and past membership in the Communist Party, but also to those dealing with his present employment.

In conjunction with the release of the testimony of the various witnesses mentioned above, the committee is also releasing the testimony of Morton Stavis, a New Jersey attorney, and that of his wife, Esther Auerbach Stavis, who appeared on February 28, 1956. Mr. Stavis was formerly employed by the late Senator Robert F. Wagner of New York and by the Social Security Board. Mr. Stavis invoked the fifth amendment to the Constitution when questioned regarding past and current membership in the Communist Party.

It is significant that all of the other witnesses who appeared before the committee during the current series of hearings refused to answer questions pertaining to the Communist Party membership of Mr. Stavis.

Esther Auerbach Stavis, at the time of her appearance before the committee on February 28, 1956, also invoked the first and fifth amendments when questioned about past and current Communist Party membership. Mrs. Stavis is a former employee of the United States Department of Labor, Bureau of Labor Statistics, the National Recovery Administration, the Social Security Board, and the Office of Price Administration.

INVESTIGATION OF SOVIET ESPIONAGE—PART 2

TUESDAY, FEBRUARY 25, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

EXECUTIVE HEARING¹

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:10 a. m., in room 226, Old House Office Building, Washington, D. C., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Edwin E. Willis, of Louisiana; and Bernard W. Kearney, of New York.

Staff members present: Richard Arens, staff director, and Louis J. Russell, investigator.

The CHAIRMAN. The hearing will come to order.

I have an opening statement, as subcommittee chairman, which I wish to read for the record.

The committee has long been interested in the situation which existed, and may still exist, in the various branches and establishments of the United States Government which had or have been infiltrated by members of the Communist conspiracy.

In years past, this committee has held many hearings on this general subject. The hearings held during the past years have demonstrated that Communist cells did exist in practically all agencies and branches of the United States Government.

Recently, witnesses before the committee have identified a number of persons formerly employed by the United States Government who were members of a Communist cell existing in their own agency and in a number of other establishments of the United States Government and Communist-controlled unions and front organizations.

Continuing its hearings on this general subject, the committee today hopes to obtain information regarding recent or past employment in the Federal Government of members of the Communist Party and their relation to the international Communist conspiracy.

Congress, by Public Law 601 in the 79th Congress, placed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guar-

¹ Released by the committee and ordered to be printed.

anted by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation. Congress has also placed upon this committee the duty of exercising continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of the committee.

In the event that testimony given during these hearings reflects a situation correctable by legislation, the committee will recommend the appropriate measures at the proper time. It is the purpose of the subcommittee, in the conduct of these hearings, to discharge the duties placed upon us by the Congress by calling witnesses who, we have reason to believe, possess information which will be of value to us and to the Congress in the consideration of such legislation. It is a standing rule of this committee that any person named in the course of the committee hearings will be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony given adversely affecting him. In the event there are such persons, they should immediately communicate with any member of the staff and make their request known.

In every hearing, the committee has encouraged witnesses to have legal counsel with them if they so desire and has always welcomed the presence of counsel. In fact, the rules of the committee expressly provide that at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

At this point the chairman hereby inserts in the record an order dated February 20, 1958, signed by the chairman of the Committee on Un-American Activities appointing a subcommittee of the Committee on Un-American Activities, consisting of Representatives Edwin E. Willis, Bernard W. Kearney, and myself, Francis E. Walter, as chairman, to conduct this executive hearing.

(The information referred to follows:)

FEBRUARY 20, 1958.

To: Mr. RICHARD ARENS,

Staff Director, House Committee on Un-American Activities:

Pursuant to the provisions of law and the rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives Edwin E. Willis, Bernard W. Kearney, and myself, Francis E. Walter, as Chairman, to conduct an executive hearing in Washington, D. C., Tuesday, February 25, 1958, at 10:00 a. m., on subjects under investigation by the Committee and take such testimony on said day or succeeding day, as it may deem necessary.

Please make this action a matter of Committee record.

If any Member indicates his inability to serve, please notify me.

Given under my hand this 20th day of February, 1958.

FRANCIS E. WALTER,

Chairman, Committee on Un-American Activities.

The CHAIRMAN. Call your first witness, Mr. Arens.

Mr. ARENS. Will you kindly remain standing while the chairman administers the oath to you?

The CHAIRMAN. Will you raise your right hand, please?

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God.

Mrs. ISRAELI. I do.

TESTIMONY OF OLIVIA ISRAELI, ACCOMPANIED BY COUNSEL,
JOSEPH FORER

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mrs. ISRAELI. My name is Olivia Israeli, 3353 Owenville Avenue, Bronx 67, N. Y., and I am a housewife.

Mr. ARENS. You appear today in response to a subpoena which was served upon you by the House Committee on Un-American activities?

Mrs. ISRAELI. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mrs. ISRAELI. Yes. This is my counsel.

Mr. ARENS. Counsel, please identify yourself.

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. ARENS. Give us, if you please, Mrs. Israeli, a brief résumé of your educational background.

Mrs. ISRAELI. I went to public school in Philadelphia. Do you want the schools?

Mr. ARENS. That is perfectly all right.

Mrs. ISRAELI. And I graduated from Temple University in 1933. I did some graduate work in American University over the years while I was in Washington.

Mr. ARENS. When did you complete your formal education?

Mrs. ISRAELI. The only degree I have is from Temple.

Mr. ARENS. What year was that?

Mrs. ISRAELI. In 1933.

Mr. ARENS. Then give us, if you please, a sketch of the principal employments which you have had since you completed your formal education.

Mrs. ISRAELI. That leaves out all my working when I was working my way through college?

Mr. ARENS. That is right. Just the principal employments.

Mrs. ISRAELI. I started out as a relief worker, I think they called it, in 1933 in Philadelphia. This was during the depression. This was for about a year and a half. Then I came down to Washington to the Civil Service Commission for something under a year, as I recollect it. I went from there to the Social Security Board, where I worked up until about 1944. From there I went to the United Federal Workers of America in the national office and worked until December of 1945. After that I had a sick child and I stayed home with the child. The next job I got that was of any importance was for a man named Latimer.

Mr. ARENS. What was the first name, please?

Mrs. ISRAELI. Murray. And I will have to start counting the years on my fingers. In 1948, I guess it was, until the middle of 1946, when I left to go to New York—

Mr. FORER. 1956.

Mrs. ISRAELI. I mean 1956.

Mr. ARENS. May I ask the nature of the work you were engaged in with Mr. Latimer?

Mrs. ISRAELI. I run a calculating machine. He was doing actuary work and I run the calculating machine.

Mr. ARENS. Where was that?

Mrs. ISRAELI. In Washington.

Mr. ARENS. In 1956 you moved to New York?

Mrs. ISRAELI. Yes.

Mr. ARENS. Have you been engaged in any gainful employment since 1956?

Mrs. ISRAELI. Nothing major. I worked in a summer camp to help pay the children's tuition. I didn't get paid for it.

Mr. ARENS. Mrs. Israeli, I should like to announce to you that we are undertaking to develop factual information here respecting a number of people, some of whom have been identified as persons who have been members of the Communist Party and some who have been identified presumably as members of an espionage operation years ago. It is our information that you might be able to help us piece together some factual material on some of these people, and I should like therefore to ask you first of all if you know or have known a person by the name of Joseph Phillips.

Mrs. ISRAELI. I think that name is familiar.

Mr. ARENS. And where did you know him?

Mrs. ISRAELI. In Washington.

Mr. ARENS. In what capacity did you know him?

Mrs. ISRAELI. As a person.

Mr. ARENS. I mean as a fellow employee in some agency?

Mrs. ISRAELI. No; he didn't work in the same agency I did; I don't believe.

Mr. ARENS. Where were you working at the time you knew him? Do you recall?

Mrs. ISRAELI. Either in the Social Security Board or in the national office. It is hard to pinpoint anything so far back.

Mr. ARENS. Can you tell us the nature of your acquaintanceship with him?

Mrs. ISRAELI. He was just a person I had met. I was not intimate with him, if you mean that. I did not know him well.

Mr. ARENS. I mean did you and he have any membership in concert in any organization such as in the United Federal Workers or in any other groups or organizations?

Mrs. ISRAELI. I don't see the relevancy of this question. I refuse to answer this under the basis of the fact that it violates my rights under the first amendment, and I would invoke the fifth amendment that gives me the right not to testify to that statement.

Mr. ARENS. Are you now a member of the Communist Party?

Mrs. ISRAELI. The same answer, sir.

Mr. KEARNEY. What was that last answer? I did not get it.

Mr. ARENS. I asked the witness if she were now a member of the Communist Party, and she invoked by reference the first and fifth amendments to the Constitution.

Were you a member of the Communist Party at any time during your employment by the Federal Government?

Mrs. ISRAELI. It would be the same answer, sir.

Mr. ARENS. Do you know whether or not Joseph Phillips is or has been a member of the Communist Party?

Mrs. ISRAELI. That would be the same, sir.

Mr. ARENS. Who was your immediate superior, if you please, when you were engaged by the United Federal Workers of America? Who was your boss?

Mrs. ISRAELI. Well, I guess it was the president of the union.

Mr. ARENS. Who was the president of the union?

Mrs. ISRAELI. Eleanor Nelson.

Mr. ARENS. Do you know whether or not Eleanor Nelson is or was a member of the Communist Party?

Mrs. ISRAELI. It would be the same answer, sir.

Mr. ARENS. Was Abram Flaxer with the United Federal Workers of America when you were employed there?

Mrs. ISRAELI. No.

Mr. ARENS. Was his affiliation with the organization subsequent to the period of your employment?

Mrs. ISRAELI. I believe, yes.

Mr. ARENS. Do you know a person by the name of Henry Beitscher?

Mrs. ISRAELI. Yes; I do. I knew that name.

Mr. ARENS. Tell us the nature of your acquaintanceship with him.

Mrs. ISRAELI. Again this was around—it is hard for me to say.

Mr. ARENS. Was that during your employment in the Federal Government here in Washington?

Mrs. ISRAELI. I worked in the Social Security Board. A lot of people worked in other agencies, and you just knew people around.

Mr. ARENS. Where did he work?

Mrs. ISRAELI. I don't know, sir.

Mr. ARENS. Did you have any membership in concert with him in any organization?

Mrs. ISRAELI. This would be the same answer, sir.

Mr. ARENS. Did you know a person by the name of Jane Foster Zlatovsky?

Mrs. ISRAELI. This name I never heard of, that I can recall.

Mr. ARENS. Jane Foster?

Mrs. ISRAELI. I don't think so.

Mr. ARENS. I have given you her married name.

Mrs. ISRAELI. I don't think so. I mean it is a very common name, but I don't believe so, sir, not that I can recall.

The CHAIRMAN. F-o-s-t-e-r.

Mr. ARENS. F-o-s-t-e-r. And the last name Z-l-a-t-o-v-s-k-y. That is her married name, the last name I just gave.

Did Joseph Phillips or Henry Beitscher ever transmit to you any information which they procured from Government sources for transmission by you to some other person?

Mrs. ISRAELI. May I consult counsel on this?

Mr. ARENS. Surely.

(The witness conferred with her counsel.)

Mrs. ISRAELI. At no point did these people transmit—what was the full question, sir?

Mr. ARENS. Any information from Government sources.

Mrs. ISRAELI. Any information from Government sources to be transmitted to something else. I don't remember—Soviet?

Mr. ARENS. Did Joseph Phillips or Henry Beitscher ever make any reports of any character to you?

Mrs. ISRAELI. May I ask him a question?

Mr. ARENS. Yes; any time you desire to do so you may confer with counsel.

(The witness conferred with her counsel.)

Mrs. ISRAELI. I have no specific recollection, but it may be that when I worked in the national office I handled grievances and I may have had reports from these people. I really don't remember. These people gave me reports on problems.

Mr. ARENS. Did Joseph Phillips or Henry Beitscher ever transmit to you any information in Communist Party channels?

Mrs. ISRAELI. This would be the same answer, sir; the previous answer on the first and fifth and relevancy.

Mr. ARENS. Do you know a person by the name of Alexander Ganz?

Mrs. ISRAELI. I don't believe I ever met an Alexander Ganz. I am not sure.

Mr. ARENS. Do you know of him?

Mrs. ISRAELI. The name is for some reason somewhat familiar.

Mr. ARENS. Esther Auerbach Stavis, do you know her or have you known her?

Mrs. ISRAELI. Yes.

Mr. ARENS. Tell us, if you please, where you knew her and the nature of your acquaintanceship.

(The witness conferred with her counsel.)

Mrs. ISRAELI. We worked in the same agency.

Mr. ARENS. What agency was that?

Mrs. ISRAELI. The Social Security Board. You know, it went through all sorts of histories——

Mr. ARENS. In what capacity was she employed?

Mrs. ISRAELI. Everybody was an economist. I guess she was.

Mr. ARENS. You were an economist in the Social Security Board?

Mrs. ISRAELI. I started out as a clerk and became an economist.

Mr. ARENS. Did you have any activities with Esther Auerbach Stavis, other than the normal relation one employee would have with another in an agency?

(The witness conferred with her counsel.)

Mrs. ISRAELI. This would be the same answer as previously.

Mr. ARENS. Will you tell us where Esther Auerbach Stavis is at the present time?

Mrs. ISRAELI. This is relevant?

Mr. ARENS. Yes.

(The witness conferred with her counsel.)

Mrs. ISRAELI. In Elizabeth, N. J.

Mr. ARENS. Have you had recent contact with her?

Mrs. ISRAELI. Oh, we are friends.

Mr. ARENS. What is the nature of your present contact with her?

Mrs. ISRAELI. We are friends.

Mr. ARENS. Do you have any concerted activity with her, other than the activity of one friend with another?

Mrs. ISRAELI. I would refuse to answer that question on the same basis.

Mr. ARENS. Do you know whether or not Esther Auerbach Stavis is now a Communist?

(The witness conferred with her counsel.)

Mrs. ISRAELI. Again I would refuse to answer on the same basis.

Mr. ARENS. Would you comment in passing, as to where she is in Elizabeth, N. J.? Do you know the street address where she is employed?

Mrs. ISRAELI. It is a poet's name, either Shelly or Keats is the name of the street. I am not sure of the number.

Mr. ARENS. That is her home address?

Mrs. ISRAELI. Her home address.

Mr. ARENS. Do you know where she is employed?

Mrs. ISRAELI. I don't think she is working.

Mr. ARENS. Do you know her husband's name?

Mrs. ISRAELI. Morton.

Mr. ARENS. Do you know where he is employed?

Mrs. ISRAELI. He is a lawyer. He works.

Mr. ARENS. Did you know a Morton Stavis while you were employed by the Federal Government?

Mrs. ISRAELI. He worked for the Social Security Board.

Mr. ARENS. Do you know whether or not he is or was a Communist?

Mrs. ISRAELI. I would refuse to answer on the same basis as previously.

Mr. ARENS. So the record may be clear, do you know whether or not he is a Communist?

Mrs. ISRAELI. It would be the same answer.

Mr. ARENS. Are you in contact with him as you say you are in contact with Esther Auerbach Stavis?

Mrs. ISRAELI. I am friendly with the family.

Mr. ARENS. Do you have any connection or activity with Mr. Morton Stavis other than just the activity or relationship of a friend?

Mrs. ISRAELI. This would be the same answer, sir.

Mr. ARENS. Do you know Philip Eden?

Mrs. ISRAELI. This name is familiar. I would say I have known.

Mr. ARENS. Was that knowledge or acquaintanceship with him while you were employed in the Federal Government?

Mrs. ISRAELI. Yes; I believe so.

Mr. ARENS. Can you give us any characterization of him? Do you have a recollection of what he looks like or where he was employed?

Mrs. ISRAELI. I am afraid I couldn't describe him. I am not sure where people worked so many years ago, sir.

Mr. ARENS. Do you know where he is now?

Mrs. ISRAELI. No; I do not.

Mr. ARENS. When did you last have contact with Philip Eden?

Mrs. ISRAELI. After they left the city, I got Christmas cards from them for a while one does and since then—

Mr. ARENS. When was that? When did they leave the city?

Mrs. ISRAELI. I don't remember, sir.

Mr. ARENS. Your best recollection.

Mrs. ISRAELI. It would be between 1943 and 1946, and I could be plus or minus.

Mr. ARENS. Did they go to the west coast?

Mrs. ISRAELI. I believe so.

Mr. ARENS. Do you know in what type of work he is engaged on the west coast?

Mrs. ISRAELI. No, I have no knowledge of that. As I say, we exchanged Christmas cards for a number of years.

Mr. ARENS. Do you know, or have you known, a person by the name of Mary Rackliffe?

Mrs. ISRAELI. I had known that name. I believe I have met the woman.

Mr. ARENS. When was that, during your Government service here?

Mrs. ISRAELI. During my period in Washington.

Mr. ARENS. Can you tell us whether or not to your certain knowledge Mrs. Mary Rackliffe is or was a Communist?

Mrs. ISRAELI. I would refuse to answer on the basis of the previous reasons.

Mr. ARENS. And when have you last had contact with her?

Mrs. ISRAELI. Oh, that was a long time ago.

Mr. ARENS. Have you broken off all contact with her?

Mrs. ISRAELI. People drift away.

Mrs. ARENS. Yes. Have you broken off?

Mrs. ISRAELI. I had a sick child. We drifted. Break off—I don't know what you mean by that.

Mr. ARENS. You are not in contact and have not been in contact with her for some time?

Mrs. ISRAELI. It has been many years since I have seen or heard of the woman.

Mr. ARENS. Do you know where she is now?

Mrs. ISRAELI. I don't know, sir.

Mr. ARENS. Did you know her husband, John Rackcliffe?

Mrs. ISRAELI. No, I don't; no.

Mr. ARENS. I asked, did you know him?

Mrs. ISRAELI. I don't know whether I did. There were an awful lot of people in Washington. I really don't know whom I knew and whom I didn't. There were husbands and wives.

Mr. ARENS. You knew her, and I wondered if you knew her husband.

Did you know a person by the name of Dan Schwartz?

Mrs. ISRAELI. Yes, sir.

Mr. ARENS. Give us the nature of your acquaintanceship with him, please.

Mrs. ISRAELI. I knew him at one point. He was a neighbor of mine for a few months, but I knew him around, let's put it that way. Again, it is very hard for me to say how I knew people.

Mr. ARENS. Was he a fellow employee at one of the Federal agencies where you were employed?

Mrs. ISRAELI. I don't remember whether he ever worked for my agency.

Mr. ARENS. Did you ever have any membership in concert with him in any organization?

Mrs. ISRAELI. On membership I will take the same position. I will refuse to answer on the basis of my previous answer.

Mr. ARENS. When did you last have contact with him, please?

Mrs. ISRAELI. I saw him once when I was in New York.

Mr. ARENS. That has been since 1956?

Mrs. ISRAELI. Yes.

Mr. ARENS. Was that purely a social visit?

Mrs. ISRAELI. Yes.

Mr. ARENS. Do you know whether or not he is presently a Communist?

Mrs. ISRAELI. I again would refuse to answer on the basis of the same reasons, sir.

Mr. ARENS. Do you know where he is presently employed?

Mrs. ISRAELI. I am not really sure.

Mr. ARENS. What is our best recollection on it?

Mrs. ISRAELI. May I consult?

Mr. ARENS. Yes.

(The witness conferred with her counsel.)

Mrs. ISRAELI. I really don't know. I mean I am not exactly sure.

Mr. ARENS. Do you know whether or not Eleanor Nelson is or was a Communist?

Mrs. ISRAELI. I would take the same position. I would refuse.

Mr. ARENS. Do you know where she is?

Mrs. ISRAELI. She is dead. Didn't you know that?

Mr. ARENS. No, I did not.

Mrs. ISRAELI. Yes. She has been dead for a couple of years.

Mr. ARENS. Was your employment with the United Federal Workers of America procured by anyone, or facilitated by anyone, who was known by you to be a Communist?

Mrs. ISRAELI. I would refuse to answer on the same basis previously stated.

Mr. ARENS. I want to be certain that the record reflects what your particular job was at the United Federal Workers.

Mrs. ISRAELI. Shall I turn to him, the reporter, and say that?

Mr. ARENS. He will catch it.

Mrs. ISRAELI. I was called director of negotiations, which means that grievances—problems that arose in working conditions in the field that could not be solved in the field——

Mr. WILLIS. Did you ever recommend anyone for employment there?

Mrs. ISRAELI. Oh, no. That was not my function.

Shall I continue, or is that enough?

The CHAIRMAN. Yes.

Mrs. ISRAELI. When they could not solve their problems, they would write to the national office and I would get the letter and I would write or telephone or occasionally visit the personnel person or the individual in charge to negotiate to solve the problems. Is that enough?

Mr. ARENS. Can you help us in general on the United Federal Workers of America?

It is our understanding that it is relatively inactive in the Washington area. Can you tell us whether it might be inactive?

Mrs. ISRAELI. It has been years since I have had contact with it.

Mr. ARENS. Is it active out in Hawaii?

Mrs. ISRAELI. I wouldn't know, sir.

Mr. ARENS. Ann Rossmore.

Mrs. ISRAELI. I take it you are asking me—you just mentioned the name.

Mr. ARENS. I beg your pardon. Did you know her, and under what circumstances?

Mrs. ISRAELI. Yes.

Mr. ARENS. Where, please.

Mrs. ISRAELI. May I consult?

Mr. ARENS. Yes.

(The witness conferred with her counsel.)

Mrs. ISRAELI. She worked in the national office. That is, she worked as an organizer out of the national office.

Mr. ARENS. Of what?

Mrs. ISRAELI. Of the Federal Workers.

Mr. ARENS. Was she under your supervision?

Mrs. ISRAELI. I supervised no one, sir.

Mr. ARENS. Was she beneath you in rank in the United Federal Workers?

Mrs. ISRAELI. There was no rank, sir.

Mr. ARENS. In what capacity did she work?

Mrs. ISRAELI. She was an organizer.

Mr. ARENS. Do you know where she is now?

Mrs. ISRAELI. Years, it has been years since I have even heard.

Mr. ARENS. Do you know whether or not she is or was a Communist?

Mrs. ISRAELI. I would refuse to answer on the basis of the same reasons as given before.

Mr. ARENS. Did you know her husband, William Rossmore?

Mrs. ISRAELI. I think so.

Mr. ARENS. Where was he employed at the time you knew him?

Mrs. ISRAELI. I beg your pardon. I don't know.

Mr. ARENS. Do you know whether or not he was a Communist?

Mrs. ISRAELI. I would refuse to answer this question the same basis, sir.

Mr. ARENS. Did you know a person by the name of Bruce Waybur?

Mrs. ISRAELI. Yes; I think so.

Mr. ARENS. Did you know his wife, Miriam Waybur?

Mrs. ISRAELI. Yes.

Mr. ARENS. Under what circumstances did you know them and where?

Mrs. ISRAELI. I am trying to remember. I am not sure. Just a second. May I ask my counsel?

The CHAIRMAN. Surely.

(The witness conferred with her counsel.)

Mrs. ISRAELI. I just knew them. It is a little hard for me to understand what you mean.

Mr. ARENS. Did you know them as Communists?

Mrs. ISRAELI. I would refuse to answer this question on the basis previously stated.

Mr. ARENS. Were Bruce and Miriam Waybur employed in the Federal Government to your knowledge while you were employed there, or at any time for that matter?

Mrs. ISRAELI. They may have been. You know, as I say, again it is very hard for me to recollect some of these things. It has been a long time.

Mr. ARENS. Did you know Alfred K. Stern at any time? Did you have any contact with him?

Mrs. ISRAELI. I don't know that name.

Mr. ARENS. Martha Dodd Stern, did you have any contact with her?

Mrs. ISRAELI. These are the people that were in the paper. No, I don't know them.

Mr. ARENS. Mr. Chairman, we have no further questions of this witness.

The CHAIRMAN. Have you any questions, Mr. Willis?

Mr. WILLIS. I have no questions, Mr. Chairman.

The CHAIRMAN. Have you any questions, Mr. Kearney?

Mr. KEARNEY. I have no questions, Mr. Chairman.

The CHAIRMAN. Thank you.

Call your next witness, Mr. Arens.

Mr. ARENS. I will now call Mr. Herman Zap.

Please remain standing, sir, while the chairman administers an oath to you.

The CHAIRMAN. Raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ZAP. I do.

TESTIMONY OF HERMAN ZAP, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. ZAP. My name is Herman Zap. I live in Florida, N. Y., and I am an industrial engineer, unemployed at present.

Mr. WILLIS. Zap?

Mr. ZAP. Z-a-p.

Mr. KEARNEY. Where is Florida, N. Y.?

Mr. ZAP. Do you know where Goshen is, where they run the Hambletonians? It is about 5 miles.

Mr. ARENS. Mr. Zap, you are appearing today in response to a subpoena which was served upon you by the Committee on Un-American Activities?

Mr. ZAP. That is right, sir.

Mr. ARENS. And you are represented by counsel?

Mr. ZAP. That is right, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FORER. Joseph Forer, of Washington, D. C.

Mr. ARENS. Do you know the witness who just left the room, Mr. Zap, Olivia Israeli?

Mr. ZAP. No, sir, I just saw her here, out here. That was the first time that I saw her.

Mr. ARENS. Please give us a brief sketch, Mr. Zap, of your personal history.

First of all, where and when were you born?

Mr. ZAP. New York City, May 2, 1911.

Mr. ARENS. And a word about your education.

Mr. ZAP. New York University, mechanical engineering in 1934, Columbia University, 1937, M. A. in economics.

Mr. ARENS. Give us the principal employments which you have had, just the place and the approximate date.

Mr. ZAP. Agfa Ansco, Binghamton, N. Y., 1937-38.

Mr. ARENS. In what capacity?

Mr. ZAP. As production engineer.

Department of Agriculture, 1938, I believe, to 1942.

Mr. ARENS. In what capacity, please, sir?

Mr. ZAP. As an economist.

Mr. ARENS. Let us hesitate here for a moment, if you please.

Mr. ZAP. Yes, sir.

Mr. ARENS. Was your job at the Department of Agriculture beginning in 1938 to 1942 obtained for you, or facilitated for you, by any person known by you to be a Communist?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. Then your next employment after that.

Mr. ZAP. I was in the Army in 1942 through a good part of 1946. Following that the United Nations—

Mr. ARENS. Excuse me just one moment, please, sir. Where did you serve in the Army?

Mr. ZAP. I served in the Proving Ground Command at Eglin Field, Fla.

Mr. ARENS. What was the nature of that proving ground? What did they do down there?

Mr. ZAP. Testing of Air Force equipment.

Mr. ARENS. Did you have a commission?

Mr. ZAP. At that time I was commissioned. I was drafted and I was then sent to OCS.

Mr. ARENS. Where else did you serve?

Mr. ZAP. In the military government in Germany.

Mr. ARENS. Any other place?

Mr. ZAP. That is all, sir.

Mr. ARENS. During your service in the United States Army were you at any time a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ZAP. I think I will refuse to answer that question.

The CHAIRMAN. Do you refuse to answer? You said, "I think I will refuse."

Mr. ZAP. I refuse to answer that question. I feel that the investigation of a political nature is something that I cannot personally go along with on this.

The CHAIRMAN. This investigation is not political.

Mr. ZAP. I would like to add to that statement, if I may, the fact that I would like to take advantage of the privileges which are afforded to me as a citizen of this country, that I have always felt that I could freely associate with people of my own choosing, and this I have done; and, in accordance with that, I would like to take advantage of the first amendment of the Constitution which affords me that privilege. I would also take advantage of any other amendments of the Constitution, including the fifth, which are afforded to me as a citizen of this country.

Mr. KEARNEY. When you were commissioned as an officer in the United States Army, were you interrogated as to whether or not you belonged to any organization that had for its objective the overthrow of this Government by force or violence?

Mr. ZAP. I don't recall that there was such a question, but if there were I would have answered it truthfully.

Mr. KEARNEY. What would you have answered if there were such an interrogation?

Mr. ZAP. No.

The CHAIRMAN. You say you were in the military government in Germany?

Mr. ZAP. In Germany, sir.

The CHAIRMAN. Did you know Russell Nixon?

Mr. ZAP. Yes.

The CHAIRMAN. Was he in the military government at the same time you were?

Mr. ZAP. He was there at the same time; yes, sir.

The CHAIRMAN. Was he a superior officer, superior to you?

Mr. ZAP. Yes; he was.

The CHAIRMAN. I think I would like to state to the witness that we are not inquiring into anybody's political beliefs at all, because this committee does not believe, and it does not feel, that membership in the Communist Party is political; and I am sure that I am voicing the opinion of all the members when I say that we feel that it is a conspiracy, an illegal conspiracy. We are not inquiring into your political beliefs. We just want to know whether or not you have been a member of the Communist Party, a political conspiracy. That is what we are asking you.

Mr. ZAP. I have already answered that question, sir.

The CHAIRMAN. All right.

Mr. ARENS. During the period of your service in the United States Army did you receive any instructions or directions from any person known to you to be a Communist?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. Did you receive an honorable discharge?

Mr. ZAP. Yes, sir.

Mr. ARENS. What was your first employment after the termination of your service in the Army?

Mr. ZAP. I obtained employment in France with a French engineering firm, working on some reconstruction problems in France.

Mr. ARENS. How long did that employment last?

Mr. ZAP. I stayed approximately a year.

Mr. ARENS. Until about 1947, then; is that correct?

Mr. ZAP. Yes, sir.

Mr. ARENS. Then your next principal employment?

Mr. ZAP. That was with the United Nations.

Mr. ARENS. In what capacity and where?

Mr. ZAP. As an economic affairs officer in New York.

Mr. KEARNEY. Pardon me—working for the United States Government?

Mr. ZAP. No, sir. This was for the United Nations.

Mr. KEARNEY. It was for the United Nations?

Mr. ZAP. I was not part of the delegation.

Mr. KEARNEY. You were not part of the delegation. You were not hired by the delegation?

Mr. ZAP. No, sir.

Mr. ARENS. Were you part of the Secretariat of the United Nations?

Mr. ZAP. That is correct, sir.

Mr. ARENS. Who helped you get your job?

Mr. ZAP. I don't know how that happened. I just filled an application, and, as far as I know, it went through the normal procedures.

Mr. ARENS. In what unit of the Secretariat were you employed?

Mr. ZAP. Technical Assistance.

Mr. ARENS. Was that the unit working on what we call point 4?

Mr. ZAP. It would be equivalent to our own American point 4 program, but this was a separate program under the United Nations agency.

Mr. ARENS. How long did that employment endure?

Mr. ZAP. I would say about 3 years.

Mr. ARENS. What caused the termination of your employment?

Mr. ZAP. The Secretary-General never gave a definite answer for that.

Mr. ARENS. Were you the subject of some type of security investigation?

Mr. ZAP. I was, sir.

Mr. ARENS. Who conducted that security investigation?

Mr. ZAP. That was—my memory is pretty bad. Excuse me.

(The witness conferred with his counsel.)

Mr. FORER. Chairman of the Internal Security Committee.

Mr. ARENS. I meant who conducted the investigation by the United Nations.

Mr. ZAP. That I do not know, sir.

Mr. FORER. Let us get this cleared up. I think his earlier answer wasn't referring to an investigation by the United Nations.

Mr. ARENS. That is what I am trying to elicit from him.

Mr. ZAP. No; I didn't understand the question.

Mr. WILLIS. You better go back a little to clear the record.

Mr. ARENS. I will clear the record by asking the same question again, if I may.

Were you the subject of a security investigation conducted by the United Nations?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. What was the nature of your discharge. Could you help us on that?

Mr. ZAP. Well, I had a temporary indefinite contract, which the Secretary-General terminated without giving any specific reasons, and that is the way in which the termination took place.

Mr. KEARNEY. Just a minute, please. I am a little bit confused here.

In order to get this record straight in my own mind—and I wish counsel would go into it at least to clear up the doubt in my mind as to what agency, what committee, if any, did conduct some investigation on him while he was an employee of the United Nations which resulted in his dismissal.

Mr. ARENS. May I just ask you, Mr. Zap: Is it not true that the Internal Security Subcommittee conducted some hearings with reference to certain United States citizens employed by the United Nations who allegedly had been in the Communist Party? Is that correct?

Mr. ZAP. That is correct, sir.

Mr. KEARNEY. That is of the Senate?

Mr. ZAP. That is of the Senate, sir.

Mr. ARENS. A Senate subcommittee.

Mr. KEARNEY. That is what I am getting at.

Mr. ZAP. Investigating me.

Mr. WILLIS. Were you called before that subcommittee?

Mr. ZAP. Yes, sir.

Mr. ARENS. Do you know persons who are in the Economic Affairs unit of the United Nations who, to your certain knowledge, are Communists?

Mr. ZAP. I have no such knowledge.

Mr. ARENS. Do you know any United States citizens presently employed by the United Nations who are Communists?

Mr. ZAP. I have no such knowledge.

Mr. ARENS. I will ask you this again, if I have not asked you. Was your employment with the United Nations facilitated, to your knowledge, by any person known by you to have been a Communist?

Mr. ZAP. No, sir.

Mr. ARENS. While you were an Economic Affairs officer in the United Nations, did you take any orders or instructions from any person known by you to be a Communist?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. Were you a Communist while you were Economic Affairs officer in the United Nations?

Mr. ZAP. I refer to my previous statement. I will not answer that question for the same reasons I gave earlier.

Mr. KEARNEY. Are you employed now?

Mr. ZAP. No, sir.

Mr. ARENS. The termination of your employment with the United Nations was in 1950?

Mr. ZAP. 1951, I believe, sir.

Mr. ARENS. Would you kindly tell us what your next principal employment was after your service was terminated with the United Nations?

Mr. ZAP. In 1951 I went to work for Herr Schaft Products, metal manufacturing firm, and I was production engineer there for about 5 years.

Mr. ARENS. What was the nature of that establishment? What did it do?

Mr. ZAP. Metalworking on tables, end tables, things of that sort.

Mr. ARENS. No defense work of any kind?

Mr. ZAP. No, sir.

Mr. ARENS. Give us the name again, please.

Mr. ZAP. Herr Schaft Products, Inc.

Mr. ARENS. What occasioned the termination of your relationship with this firm?

Mr. ZAP. The company went out of business, sir.

Mr. ARENS. Was that the last employment that you had?

Mr. ZAP. No, sir. That was the last principal employment that I had. I since have done some consulting work with a metal-manufacturing concern in New Jersey, manufacturing beer caps, and with an electric firm that manufacturers lighting fixtures in New York. That was all short term.

Mr. ARENS. Are you now a Communist?

Mr. ZAP. I refuse to answer that question for the reasons I have stated previously.

Mr. ARENS. Now, we would like to know if you can help us with reference to certain people concerning whom this committee has infor-

mation because of allegations that these people, or some of them, have been engaged in an espionage operation.

Do you know or have you known a person by the name of Ben T. Moore?

Mr. ZAP. I refuse to answer that question on the ground I previously have given.

Mr. ARENS. Do you know, or have you known, a person by the name of Mrs. Margot Moore?

Mr. ZAP. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. Henry Hill Collins?

Mr. ZAP. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. His wife, Mrs. Henry Hill Collins?

Mr. ZAP. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. Bela Gold?

Mr. ZAP. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. Mrs. Bela Gold?

Mr. ZAP. The same answer would apply.

Mr. ARENS. Have you had contact with any of these persons whose names I have just called off in the course of the last year?

Mr. ZAP. No, sir.

Mr. ARENS. When did you last have contact with any of these persons whose names I have just called off?

(The witness conferred with his counsel.)

Mr. ZAP. I refuse to answer this last question on the same grounds I previously stated.

Mr. ARENS. Have you had contact with any of these persons whose names I have just called off in the course of the last 2 years?

(The witness conferred with his counsel.)

Mr. ZAP. I refuse on the same grounds.

Mr. ARENS. I should like very quickly, if you please, sir, to run over another list of 6 or 8, perhaps 10, names and ask if you know or have known these individuals.

Jane Foster, whose married name is Jane Foster Zlatovsky?

Mr. ZAP. No, sir.

Mr. ARENS. You have never known her?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. Elizabeth Bentley?

Mr. ZAP. No, sir, not to my knowledge.

Mr. ARENS. Henry Beitscher?

Mr. ZAP. No, sir, not to my knowledge.

Mr. ARENS. Alexander Ganz?

Mr. ZAP. No, sir.

Mr. ARENS. Esther Auerbach Stavis?

Mr. ZAP. No, sir.

Mr. ARENS. Morton Stavis?

Mr. ZAP. No, sir.

Mr. ARENS. George Shaw Wheeler?

(The witness conferred with his counsel.)

Mr. ZAP. Yes, sir.

Mr. ARENS. What was the nature of your having known him?

Mr. ZAP. He was working in Germany at the time I was there. I think I saw him once or twice.

Mr. ARENS. In what capacity was he employed?

Mr. ZAP. I don't recall in what capacity he was employed there. He was just with the military government.

Mr. ARENS. Was he a civilian employee?

Mr. ZAP. I believe so.

Mr. ARENS. Do you know whether or not he has ever been a member of the Communist Party?

Mr. ZAP. I have no knowledge of that, sir.

Mr. ARENS. Bruce Waybur?

Mr. ZAP. Yes, sir.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. ZAP. I met him in Germany. He was working in the same office as I was.

Mr. ARENS. Give us again the name of the office, please, sir?

Mr. ZAP. That was the Finance Division.

Mr. ARENS. Was he a civilian employee?

Mr. ZAP. I believe he was, sir.

Mr. ARENS. Do you know whether or not he is or was a Communist?

Mr. ZAP. I have no knowledge of that, sir.

Mr. ARENS. Do you know a person by the names of Charles Kramer?

Mr. ZAP. I am not sure, sir. I think there may have been somebody by that name in Germany. It is possible.

Mr. ARENS. In the Department of Agriculture in the United States Government?

Mr. ZAP. No, sir, I don't recall anybody by that name there.

Mr. ARENS. Have you ever received any confidential or security information from the United States Government or from United States Government sources to which you were not under the law entitled?

Mr. ZAP. No, sir.

Mr. ARENS. Have you ever transmitted such information?

Mr. ZAP. Not to my knowledge.

Mr. ARENS. Mr. Chairman, that will conclude the staff interrogation of Mr. Zap.

The CHAIRMAN. Have you any questions, Mr. Willis?

Mr. WILLIS. I have no questions, Mr. Chairman.

The CHAIRMAN. Have you any questions, Mr. Kearney?

Mr. KEARNEY. I have no questions, Mr. Chairman.

The CHAIRMAN. You are excused.

You may call your next witness, Mr. Arens.

Mr. ARENS. I now call William Shonick.

Remain standing, Mr. Shonick, while the chairman administers the oath to you.

The CHAIRMAN. Raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHONICK. I do.

**TESTIMONY OF WILLIAM SHONICK, ACCOMPANIED BY COUNSEL,
JOSEPH FORER**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SHONICK. My name is William Shonick. I live at 24 Laurel Hill Terrace, New York City. I do office work.

Mr. ARENS. Where, please, sir?

Mr. SHONICK. Federation of Jewish Philanthropists.

The CHAIRMAN. How do you spell your name?

Mr. SHONICK. S-h-o-n-i-c-k.

Mr. ARENS. I didn't get that place of your employment, sir.

Mr. SHONICK. Federation of Jewish Philanthropists, New York City.

Mr. ARENS. You are appearing today, Mr. Shonick, in response to a subpoena which was served upon you by this committee?

Mr. SHONICK. I am.

Mr. ARENS. And you are represented by counsel?

Mr. SHONICK. That is right.

Mr. ARENS. Counsel, kindly identify yourself on the record.

Mr. FORER. Joseph Forer, Washington, D. C.

Mr. ARENS. What is the nature of your employment at this philanthropic organization, please, sir?

Mr. SHONICK. I do office computation work.

Mr. ARENS. You are an accountant?

Mr. SHONICK. No. Just computation work.

Mr. ARENS. Kindly tell us when and where you were born.

Mr. SHONICK. I was born in Poland, October 1919.

Mr. ARENS. When did you come to the United States?

Mr. SHONICK. About 1923 or 1924, something like that.

Mr. ARENS. Are you a citizen of the United States?

Mr. SHONICK. Yes, I am a citizen on my mother's papers.

Mr. ARENS. I didn't hear you, sir.

Mr. SHONICK. I am a citizen——

The CHAIRMAN. Derivative citizenship.

Mr. SHONICK. Derivative citizenship.

Mr. ARENS. Give us, if you please, sir, just a word about your education.

Mr. SHONICK. I graduated from high school, New York City, and went to college.

Mr. ARENS. Where?

Mr. SHONICK. City College of New York, and graduated in 1942. I took a master's degree in George Washington University, which I completed in 1948.

Mr. ARENS. What was your master's degree? In what subject please, sir.

Mr. SHONICK. Education.

Mr. ARENS. Then give us if you please, just the principal employments that you have had since you received your master's degree at George Washington.

(The witness conferred with his counsel.)

Mr. SHONICK. I taught until 1951.

Mr. ARENS. Where, please?

Mr. SHONICK. In Bethesda, Md.

Mr. ARENS. Let us be sure that the record is correct here. From about 1948 to 1951 you taught in Bethesda, Md.

Mr. SHONICK. You said my employment after I received the master's degree. I taught from then until 1951 in Bethesda, Md.

Mr. ARENS. Where, please, sir? What school?

Mr. SHONICK. Leland Junior High School.

Mr. ARENS. Is that in the public-school system?

Mr. SHONICK. Yes. And you have my present employment.

Mr. ARENS. I do not understand.

Mr. FORER. You asked for his principal employment since he got his master's degree, and the two principal employments that he had since then, according to his answer, was that he taught in the Leland Junior High School and that his present employment is that of computation work with the Federation of Jewish Philanthropists.

Mr. WILLIS. How long have you been employed in your present job?

Mr. SHONICK. Almost 2 years.

Mr. WILLIS. What did you do in between?

Mr. SHONICK. Well, I just fail to see the relevancy of what I did in between, and I would rather not answer that.

Mr. WILLIS. Let us establish the dates. When did you leave the Leland High School?

Mr. SHONICK. 1951.

Mr. WILLIS. When did you obtain your present employment?

Mr. SHONICK. Early in 1956, April or May.

Mr. WILLIS. So you have a period of 5 years that you do not want to talk about then?

Mr. SHONICK. That is right.

Mr. ARENS. What precipitated your disassociation from the high school in 1951?

Mr. SHONICK. I resigned.

Mr. ARENS. Were you the subject of any kind of a loyalty investigation?

Mr. SHONICK. No.

Mr. ARENS. What was your next employment after you resigned from the Bethesda High School?

Mr. SHONICK. Well, I really don't see what the relevance of that question is. I don't understand its purpose and I am not going to answer that.

Mr. WILLIS. Give him a little indication of the purpose, Mr. Arens.

Mr. ARENS. The Committee on Un-American Activities, Mr. Shonick, has before it a considerable amount of legislation dealing with the security laws of this country and proposed amendments. In order for this committee to intelligently appraise the various provisions of the bills before it, it is necessary for it to have information respecting Communist Party activities and activities of Communists, where they have been, what they have done.

It is also the interest of this committee to know of possible loopholes which may exist in the present law in undertaking to protect the security of this country.

To do that it is necessary for this committee to have factual information respecting the activities and employment of Communists.

Now, I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question as to what his employment was after he resigned from the Bethesda High School.

The CHAIRMAN. You are directed to answer.

Mr. SHONICK. Well, the explanation does not clarify the purpose of that question or indeed of my being called here in any way whatsoever, and I believe the Watkins case doesn't give this committee the right to subpoena me anyway.

The CHAIRMAN. Why didn't you try it out by not appearing?

Mr. SHONICK. I chose not to. And I believe that the first amendment gives me the right not to answer this question, and I decline to answer it also because of the privilege afforded me by the fifth amendment to the Constitution in not answering.

Mr. ARENS. Do you honestly feel if you told this committee what your employment was immediately after you left the Bethesda High School, you would be supplying factual information which might be used against you in a criminal proceeding?

Mr. SHONICK. It is possible.

Mr. KEARNEY. That is not any answer, Mr. Chairman.

Mr. FORER. That is his answer.

Mr. KEARNEY. I disagree with it.

Mr. ARENS. Mr. Shonick, have you ever been employed by the Federal Government?

Mr. SHONICK. Yes; I was.

Mr. ARENS. Where?

Mr. SHONICK. OPA, Washington, D. C.

Mr. ARENS. When?

Mr. SHONICK. Approximately the end of 1942, I think, to the middle of 1943.

Mr. ARENS. In what capacity?

Mr. SHONICK. I was an economist.

Mr. ARENS. Have you ever been employed in any other agency of the Federal Government?

Mr. SHONICK. In 1940 I worked for 5 months as a messenger in the Government Printing Office.

Mr. ARENS. Have you ever been employed in any other agency of the Federal Government?

Mr. SHONICK. No.

Mr. KEARNEY. Were you in the service during World War II?

Mr. SHONICK. No.

Mr. KEARNEY. The Korean war?

Mr. SHONICK. The Korean war, no.

Mr. ARENS. What was the geographical location of your employment after you left the high school? Was that in New York or Washington or where was it?

Mr. SHONICK. For the reasons stated above I must decline to answer that.

Mr. ARENS. How long did your next employment endure? By next, I mean the one after the high school employment?

Mr. SHONICK. I decline to answer that for the same reasons.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question of how long you were employed in the employment previous to your present employment.

Mr. SHONICK. I decline to answer that for the reasons given before. I would like to consult for a moment, please.

The CHAIRMAN. Surely, go ahead.

(The witness conferred with his counsel.)

Mr. ARENS. Were you ever employed by the United Federal Workers?

Mr. SHONICK. I decline to answer that for the reasons given previously.

Mr. ARENS. What was your employment, your second employment, after you left the high school in 1951? What was your employment that followed your first employment after you left the high school?

Mr. SHONICK. I decline to answer for the reasons given before.

Mr. WILLIS. Did you leave the country between 1951 and 1956?

Mr. SHONICK. No.

Mr. ARENS. Have you ever applied for a United States passport?

Mr. SHONICK. No.

Mr. ARENS. Have you ever been outside of the United States since your arrival in 1923?

Mr. SHONICK. Yes, sir.

The reason I hesitate, on one of my vacations, I took a trip to Montreal, and so forth, and came back. I hesitate to give the year. I think it was 1950 or 1951. I am not sure.

Mr. ARENS. Are you now a Communist?

Mr. SHONICK. No.

Mr. ARENS. Were you a Communist at any time in the course of the last year?

Mr. SHONICK. What do you mean by the last year? Back from now?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. SHONICK. What is today?

Mr. FORER. Do you mean 1957?

The CHAIRMAN. I think this is a good way to do it. Were you a Communist during 1957?

Mr. FORER. Do you mean 1957 or 1958? Is that the question?

Mr. ARENS. Let us put it as 1957. It would probably be easier to remember it.

Mr. SHONICK. No.

Mr. ARENS. 1956?

Mr. SHONICK. No.

Mr. ARENS. Have you ever been a Communist at any time in the course of the last 5 years?

Mr. SHONICK. I decline to answer for the reasons given before.

Mr. ARENS. The last 4 years?

Mr. SHONICK. You have me confused.

Mr. ARENS. Let us take it backward, then. You say you are not now a Communist, is that correct? You have not been a Communist in 1957, is that correct?

Mr. SHONICK. Right.

Mr. ARENS. Were you a Communist in 1956?

Mr. SHONICK. No.

Mr. ARENS. Were you a Communist in 1955?

Mr. SHONICK. I decline to answer.

Mr. ARENS. Have you resigned from the Communist Party?

Mr. SHONICK. It is a loaded question. I never said I was a Communist.

Mr. ARENS. Are you against the Communist Party now?

Mr. SHONICK. Is there a Communist Party now?

Mr. ARENS. Yes, sir; are you against the Communist Party now?

Mr. SHONICK. I don't know. If you tell me what they stand for, I will tell you. I don't know what they stand for. I haven't seen anything. I don't even know they exist.

Mr. ARENS. Are you under Communist Party discipline?

Mr. SHONICK. What is that?

Mr. ARENS. Are you under Communist Party discipline?

Mr. SHONICK. I don't see the point of that question. I don't even know that they exist.

Mr. ARENS. Did you know it existed prior to 1955?

Mr. SHONICK. I decline to answer.

Mr. ARENS. Was there any employment—

Mr. SHONICK. Excuse me one moment.

(The witness conferred with his counsel.)

Mr. SHONICK. Go ahead.

Mr. ARENS. Was there any employment at which you were engaged from the time you left the high school until you assumed your present employment concerning which you can tell us, without feeling that you may violate some privilege that you have under the Constitution?

(The witness conferred with his counsel.)

Mr. SHONICK. Well, I want to make it clear the answer is "No," but I want to make it clear that, in addition to the privilege under the Constitution, I also want to say that I don't think it is relevant. The purpose of this whole hearing is very unclear to me.

Mr. ARENS. Yes; but I want to make the record clear. All the employment that you had from the time that you left the school until you assumed your present employment in 1956, was of the nature or variety that you cannot tell us about without violating some right that you want to assert under the Constitution, is that correct?

Mr. SHONICK. That is correct.

Mr. ARENS. We would like to see if you can help us with reference to certain individuals.

Do you know a person by the name of Jane Foster Zlatovsky? Or have you ever known a person by that name?

Mr. SHONICK. No.

Mr. ARENS. Did you ever know a person by the name of Jane Foster?

Mr. SHONICK. No; not to the best of my knowledge, anyway.

Mr. ARENS. Henry Beitscher?

Mr. SHONICK. Yes; I knew him.

Mr. ARENS. Where did you know him?

Mr. SHONICK. In the OPA grievance channel committee.

Mr. ARENS. What do you mean?

Mr. SHONICK. Of the United Federal Workers.

Mr. ARENS. Do you know where he is now?

Mr. SHONICK. No.

Mr. ARENS. When did you last have contact with him?

Mr. SHONICK. I don't remember. I did see him. I saw him about 5 years ago, 4 years ago, something like that.

Mr. ARENS. Do you know whether he is or was a Communist?

Mr. SHONICK. I decline to answer that for the reasons I gave before.

Mr. ARENS. Alexander Ganz?

Mr. SHONICK. I knew him. He worked at the OPA.

Mr. ARENS. Did you know him in any other capacity?

Mr. SHONICK. What does that mean?

Mr. ARENS. Other than just as a fellow employee at the OPA?

Mr. SHONICK. Yes. He was in the union with me.

Mr. ARENS. What union?

Mr. SHONICK. The United Federal Workers.

Mr. ARENS. Did you know him in any other capacity?

Mr. SHONICK. I decline to answer.

Mr. ARENS. Do you know whether or not he is or was a Communist?

Mr. SHONICK. I decline to answer for the reasons given before.

Excuse me a minute.

(The witness conferred with his counsel.)

Mr. SHONICK. Go ahead.

Mr. ARENS. Esther Auerbach Stavis?

Mr. SHONICK. To the best of my knowledge, I never met her.

Mr. ARENS. Morton Stavis?

Mr. SHONICK. To the best of my knowledge, I never met him personally.

Mr. ARENS. Do you know whether or not he is or was a Communist?

Mr. SHONICK. I decline to answer.

(At this point, the chairman left the hearing room.)

Mr. ARENS. Philip Eden?

Mr. SHONICK. He was at the OPA, too, as I remember.

Mr. ARENS. In what capacity?

Mr. SHONICK. I don't remember. I don't know. I think he was in the OPA. I did know him, though.

Mr. ARENS. Was he a fellow worker of yours in the United Federal Workers.

Mr. SHONICK. Yes. That is where I knew him.

Mr. ARENS. Was he a Communist?

Mr. SHONICK. I decline to answer.

Mr. FORER. On the same grounds.

Mr. SHONICK. On the same grounds. That is understood. Do I have to say that each time?

Mr. ARENS. We understand that. You better say on the same grounds so the record is clear. We do not want to impose an additional burden on our time or his time, either.

Joseph Phillips?

Mr. SHONICK. Yes; I knew him.

Mr. ARENS. Did you know him as a Communist?

Mr. SHONICK. I decline to answer on the same grounds.

Mr. ARENS. Where did you know him?

Mr. SHONICK. Also from the union.

Mr. ARENS. Did he work in the Federal Government?

Mr. SHONICK. Yes; I guess he did.

Mr. ARENS. Where?

Mr. SHONICK. I don't remember. He was not at the OPA.

Mr. ARENS. Was that during OPA days that you knew him?

Mr. SHONICK. Yes.

Mr. ARENS. Mary Rackliffe?

Mr. SHONICK. Yes; I knew her.

Mr. ARENS. Did you know her husband, John Rackliffe?

Mr. SHONICK. I met him once or twice.

Mr. ARENS. In what capacity or how did you know Mary and John Rackliffe?

Mr. SHONICK. I knew Mary because she worked at the OPA and worked in the union with me, but I think I knew John because he was her husband.

(At this point, the chairman returned to the hearing room.)

Mr. ARENS. What status did you have in the union?

Mr. SHONICK. During the time I was employed in the OPA?

Mr. ARENS. At any time.

Mr. SHONICK. You are speaking only about the time I was employed in the OPA because I have not answered about any other period. At the time I worked in the OPA I don't really remember. I had some sort of position on the board of the local.

Mr. WILLIS. Now, one of the answers prompts this question: You said something about, you, of course, are testifying about your knowledge during the OPA work because you have not talked about anything else.

About these persons the committee staff director has named, did you know them between 1951 and 1956?

Mr. SHONICK. I decline to answer on the same grounds.

Mr. ARENS. What other positions or status had you ever had in the union?

Mr. SHONICK. Other than when I worked for the OPA?

Mr. ARENS. Yes, sir.

Mr. SHONICK. I decline to answer on the same grounds.

Mr. ARENS. Do you know, or have you known, a man by the name of Dan Schwartz?

Mr. SHONICK. I don't remember.

Mr. ARENS. Ann and William Rossmore?

Mr. SHONICK. I don't remember.

Mr. ARENS. Bruce Waybur?

Mr. SHONICK. I don't remember, if I met him.

Mr. ARENS. Miriam Waybur, his wife?

Mr. SHONICK. I knew her.

Mr. ARENS. In what capacity?

Mr. SHONICK. Also in the OPA.

Mr. ARENS. Did you know whether or not she was a Communist?

Mr. SHONICK. I decline to answer on the same grounds.

Mr. ARENS. Wilfred Lumer?

Mr. SHONICK. Yes, I knew him in the OPA.

Mr. ARENS. When did you last have any contact with Wilfred Lumer?

Mr. SHONICK. Excuse me.

(The witness conferred with his counsel.)

Mr. SHONICK. I refuse to answer on the same grounds given before

Mr. WILLIS. What was the last question?

Mr. ARENS. Wilfred Lumer, when he last had contact with him.

The CHAIRMAN. When you last had contact with him. You are directed to answer that question.

Mr. SHONICK. Just a moment.

The CHAIRMAN. All right.

(The witness conferred with his counsel.)

Mr. SHONICK. Which question am I directed to answer, please, about Wilfred Lumer?

Mr. ARENS. When you last had contact with him.

Mr. SHONICK. I refuse to answer on the grounds stated before.

Mr. ARENS. Have you had contact with Wilfred Lumer at any time in the course of the last year?

Mr. SHONICK. I refuse to answer on the same grounds.

Mr. ARENS. Have you had contact with Wilfred Lumer at any time in the course of the last 6 months?

Mr. SHONICK. I refuse to answer on the same grounds.

Mr. FORER. Just a moment.

(The witness conferred with his counsel.)

Mr. FORER. Mr. Arens, on reconsideration, Mr. Shonick does not want to assert his privilege on this last series of questions, about beginning when he met Mr. Lumer and will be glad to answer those questions. I think it started when did he last—I think you asked if he knew Mr. Lumer; and he explained that he knew him, I think, at OPA; and then the refusals began with when did he last see him. Let's go back to there.

The CHAIRMAN. When did you last see Mr. Lumer?

Mr. SHONICK. I ran into him on the street about a week ago in New York downtown.

Mr. ARENS. Did you have a conversation with him at that time?

Mr. SHONICK. Yes, sir.

Mr. ARENS. What was the essence of the conversation that you had with him?

Mr. SHONICK. It was entirely personal, but I asked him how his wife was, and I asked him what he was doing in New York, and that was about it.

Mr. ARENS. Did he give you any suggestion that he had been a witness before this committee in the course of the recent past?

Mr. ARENS. I don't remember him talking about that; no.

Mr. ARENS. When had you last seen him prior to this chance meeting in New York City?

Mr. SHONICK. I don't remember seeing him since I left the OPA.

Mr. ARENS. Had you had any contact with him, even though you may not have actually seen him with your eyes?

Mr. SHONICK. What does that mean?

Mr. ARENS. Correspondence, telephone conversations, messages by any other person, transmitted between the two of you, any other contact.

Mr. SHONICK. Not that I know of, I don't remember in any way.

Mr. ARENS. Where was he employed when you knew him while you were in OPA?

Mr. SHONICK. In OPA.

Mr. ARENS. In what capacity?

Mr. SHONICK. I don't know.

Mr. ARENS. Was he also a member of the United Federal Workers?

Mr. SHONICK. Yes.

Mr. ARENS. Do you know whether or not he was a Communist?

Mr. SHONICK. I decline to answer on the same grounds.

Mr. ARENS. Do you know Olivia Israeli?

Mr. SHONICK. Yes, I do.

Mr. ARENS. What is the nature of your acquaintanceship with her?

Mr. SHONICK. I just had known her for a long time. I just don't remember.

Mr. ARENS. When did you first meet her, do you recall?

Mr. SHONICK. No, sir, I don't.

The CHAIRMAN. Did you work with her?

Mr. SHONICK. I don't remember. I know she worked for the Government, and she may have worked in OPA for all I know. I don't remember where she worked.

Mr. ARENS. Had you ever been a member of any organization of which she was a member?

Mr. SHONICK. Well, I would like to consult my counsel.

(The witness conferred with his counsel.)

Mr. SHONICK. I decline to answer on the grounds previously stated.

Mr. ARENS. When did you last have contact with her?

Mr. SHONICK. Just now.

Mr. ARENS. When did you last have contact with her prior to the chance meeting, I take it, or the meeting you had in the lobby here.

Mr. SHONICK. I seen her socially in New York.

Mr. ARENS. Do you visit in each other's homes?

Mr. SHONICK. Yes.

Mr. ARENS. When did you last visit her home or when did she last visit you?

Mr. SHONICK. A few days ago, about a week ago or so, something like that.

Mr. WILLIS. Was that after you received the subpoena?

Mr. SHONICK. Yes. I got it about a month ago.

Mr. ARENS. Do you know whether or not she is presently a Communist?

Mr. SHONICK. I decline to answer for the reasons given before.

Mr. ARENS. When did you see her prior to the time that you saw her since you received your subpoena?

Mr. SHONICK. I don't remember, but it wasn't too long. I see her from time to time.

Mr. ARENS. Is your acquaintanceship with Olivia Israeli and her husband solely and exclusively a social acquaintanceship?

Mr. SHONICK. Yes.

Mr. ARENS. Mr. Chairman, that will be all, if you please.

The CHAIRMAN. Have you any questions, Mr. Willis?

Mr. WILLIS. I have no questions, Mr. Chairman.

The CHAIRMAN. Have you any questions, Mr. Kearney?

Mr. KEARNEY. I have no questions, Mr. Chairman.

The CHAIRMAN. There are no further questions.

Mr. ARENS, you may call your last witness.

Mr. ARENS. I will call as the last witness Arthur Stein.

Would you kindly remain standing while the chairman administers an oath to you?

The CHAIRMAN. Will you raise your right hand, please? Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEIN. I do so swear.

TESTIMONY OF ARTHUR STEIN, ACCOMPANIED BY COUNSEL
JOSEPH FORER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. STEIN. My name is Arthur Stein. I live at 131 Westminster Road, Brooklyn, N. Y. As to my occupation, I appeared before this committee 2 years ago, and I think all of the information is on the record as of that time.

Mr. ARENS. Just give us the essence of your occupation, please, sir, where you are employed and what you do.

Mr. STEIN. I decline to answer that question.

Mr. WILLIS. As to your present occupation?

Mr. STEIN. Yes.

Mr. ARENS. Why?

Mr. STEIN. On the grounds that it is irrelevant and it violates my rights under the first amendment and under my privilege under the fifth amendment not to testify against myself.

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully while you are under oath what your present occupation is, you would be supplying information which might be used against you in a criminal proceeding?

Mr. STEIN. It might.

Mr. ARENS. Mr. Stein, you are appearing today in response to a subpoena that was served upon you by the Committee on Un-American Activities?

Mr. STEIN. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. STEIN. Yes.

Mr. ARENS. Will counsel identify himself?

Mr. FORER. I am counsel for the witness. I am Joseph Forer, Washington, D. C.

Mr. ARENS. Mr. Stein, as you said a moment ago, you have been before this committee before, and so we will not probe into matters that have been the subject of previous interrogations. We have a number of areas of inquiry we would like to pursue with you.

However, first of all, do you know a person, or have you known a person, by the name of James Gorham?

Mr. STEIN. I refuse to answer that question on the same grounds as previously stated, the three grounds.

Mr. ARENS. Herbert Fuchs?

Mr. STEIN. I will give the same answer to that question.

Mr. ARENS. How long have you been employed at your present place of employment?

Mr. STEIN. I must give the same answer for that question.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question, Mr. Stein.

(The witness conferred with his counsel.)

Mr. STEIN. I think I will abide by my refusal to answer.

Mr. ARENS. What was the nature of your employment immediately prior to your present employment?

Mr. STEIN. Up until the time I appeared before this committee, my last employment at that time, I was self-employed as a construction consultant.

Mr. ARENS. Where?

Mr. STEIN. In New York City.

Mr. ARENS. Then what happened after that? What was your next employment?

Mr. STEIN. I refuse to answer the question for the same reasons.

Mr. ARENS. Have you had any employment since your appearance before this committee which you could tell us about without feeling you would be giving information which might be used against you in a criminal proceeding?

Mr. STEIN. My last appearance before the committee I think was in 1956 and my only appearance before the committee was in 1956.

Mr. ARENS. Have you had any employment since then that you can tell us about?

Mr. STEIN. I will not discuss my employment since that time for the reasons given.

Mr. ARENS. To make the record clearer, do you honestly apprehend if you told us about any of the employment which you have had since you appeared before this committee in 1956, you would be supplying information which might be used against you in a criminal proceeding?

Mr. STEIN. It might.

Mr. ARENS. Mr. Stein, we would like to have you help us, if you could, with reference to certain individuals, we understand, are or may have been engaged in espionage activities.

Do you know, or have you ever known, a person by the name of Jane Foster or Jane Foster Zlatovsky?

Mr. STEIN. No, to my knowledge not. I think the first time I heard of the name was when I read it in newspapers recently.

Mr. ARENS. Do you know, or have you ever known, a person by the name of Henry Hill Collins, Jr.?

Mr. STEIN. I think I have met Mr. Collins on a few occasions, many years back.

Mr. ARENS. Under what circumstances, where and when, please, sir?

Mr. STEIN. I met him only a very few times, and I really can't recall the circumstances. It was casual encounters.

Mr. ARENS. Where?

Mr. STEIN. In Washington.

Mr. ARENS. Were you employed in the Federal Government in Washington?

Mr. STEIN. Yes.

Mr. ARENS. Do you know whether or not Henry Hill Collins, Jr., is or was a Communist?

Mr. STEIN. I refuse to answer that question on the three grounds.

Mr. WILLIS. What are those three grounds?

Mr. STEIN. Relevancy, the first amendment, and my rights under the fifth amendment.

Mr. WILLIS. On the question of relevancy, according to the record here, we are developing information in the specific area of espionage. Now, you know we vote about \$38 billion a year for national defense, and I think you could see the troublemakers are the Communists,

including foreign Communists. Do you think it is irrelevant for a committee of Congress to inquire into such a thing as espionage within the United States? Are you sure you want to urge that?

Mr. STEIN. I know nothing about espionage in the United States, Mr. Congressman.

Mr. ARENS. You refuse to name some of the people, however.

(The witness conferred with his counsel.)

Mr. STEIN. I continue to refuse to answer the question, Mr. Chairman, on the grounds as stated.

Mr. ARENS. Are you now a Communist?

Mr. STEIN. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you know, or have you known, a person by the name of Henry Beitscher?

Mr. STEIN. Yes.

Mr. ARENS. Where and when did you know him?

Mr. STEIN. I knew him in Washington for several years.

Mr. ARENS. During what period of time? Could you tell us approximately?

Mr. STEIN. I would say approximately in the 1940's.

Mr. ARENS. When have you last had contact with him?

Mr. STEIN. Oh, I may have seen him 1 or 2 years ago.

Mr. ARENS. What was the nature of that contact?

Mr. STEIN. Casual visits.

Mr. ARENS. Where?

Mr. STEIN. In my home.

Mr. ARENS. By him?

Mr. STEIN. Yes.

Mr. ARENS. Was that purely a social visit?

Mr. STEIN. Yes.

Mr. ARENS. How frequently have you seen him in the course of the last 2 years?

Mr. STEIN. Publicly, twice.

Mr. ARENS. What was the nature of the visit?

Mr. STEIN. Social.

Mr. ARENS. Was he at your home alone, or was he at your home in company with others?

Mr. STEIN. With his family.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. STEIN. I refuse to answer that question, Mr. Chairman.

Mr. ARENS. Alexander Ganz? Did you know him?

Mr. STEIN. Slightly.

Mr. ARENS. Under what circumstances, where and when, please, sir?

Mr. STEIN. He was a member of the same union that I was affiliated with.

Mr. ARENS. During your employment in the Federal Government?

Mr. STEIN. During my employment in the United Federal Workers of America, which was the union.

Mr. ARENS. And in what capacity was he employed?

Mr. STEIN. I don't know. I think he was a Government employee.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. STEIN. I refuse to answer that question on the same three grounds.

Mr. ARENS. When have you last had contact with him?

Mr. STEIN. A number of years. I can't possibly recollect, at least 5 years to the best of my recollection.

Mr. ARENS. Do you know Olivia Israeli?

Mr. STEIN. Yes.

Mr. ARENS. How long have you known her?

Mr. STEIN. A good many years.

Mr. ARENS. Did you know her when she was employed in the Federal Government?

Mr. STEIN. Yes.

Mr. ARENS. When did you last have contact with her?

Mr. STEIN. About an hour ago.

Mr. ARENS. When did you have contact with her prior to about an hour ago?

Mr. STEIN. About a year ago, a social visit.

Mr. ARENS. Was that in your home, or was it in her home?

Mr. STEIN. Someone else's home. I don't remember whose.

Mr. ARENS. Was Henry Beitscher present during that visit?

Mr. STEIN. I can't recall.

Mr. ARENS. How frequently have you seen her in the course of the last year or two?

Mr. STEIN. This is the second time I have seen her in the last year. Probably one other occasion.

Mr. ARENS. What was the nature of the other occasion?

Mr. STEIN. Social occasion, when she moved to New York.

Mr. ARENS. Do you know whether or not she is presently a Communist?

Mr. STEIN. I will not answer that question for the same reasons as stated before.

Mr. ARENS. Do you know Esther Auerbach Stavis?

Mr. STEIN. Yes.

Mr. ARENS. Do you know her husband, Morton Stavis?

Mr. STEIN. Yes.

Mr. ARENS. When did you last have contact with them?

Mr. STEIN. A few weeks ago.

Mr. ARENS. What was the nature of that contact?

Mr. STEIN. Social.

Mr. ARENS. Where was that?

Mr. STEIN. Someone's house.

Mr. ARENS. Do you remember whose house it was?

Mr. STEIN. The house of a Mr. Katz.

Mr. ARENS. What is Mr. Katz' first name, please?

Mr. STEIN. Sidney.

Mr. ARENS. Where is his home located?

Mr. STEIN. In New York City.

Mr. ARENS. Do you know his address?

Mr. STEIN. Not offhand, no.

Mr. ARENS. Who is Mr. Katz?

Mr. STEIN. An old friend.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. STEIN. I will not answer that question either, for the same reasons.

Mr. ARENS. Where is Mr. Katz employed?

Mr. STEIN. Mr. Katz is employed at the Park Avenue Synagogue in New York.

Mr. ARENS. In what capacity?

Mr. STEIN. Executive director.

Mr. ARENS. Who was present at this social gathering, in Mr. Katz' home?

Mr. STEIN. Myself and my wife, the Stavises, and the Katzes. I think that was all.

Mr. ARENS. Do you know whether or not the Stavises are now Communists?

Mr. STEIN. I refuse to answer that question for the same three grounds.

Mr. ARENS. How many times have you been in a gathering with the Stavises in the course of the last year or so?

Mr. STEIN. Four or five times.

Mr. ARENS. Have all the gatherings been of a social nature?

Mr. STEIN. Yes.

Mr. ARENS. Exclusively?

Mr. STEIN. Yes, either at his house or my house.

Mr. ARENS. Do you know Philip Eden?

Mr. STEIN. I did.

Mr. ARENS. When did you last see Philip Eden?

Mr. STEIN. Many years, probably close to 10 as far as I can recollect.

Mr. ARENS. About the same period of time did you have contact with him? I asked you when you had last seen him, and you said 10 years. Have you had contact with him? You may not have seen him.

Mr. STEIN. I may have received a Christmas card or note from him.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. STEIN. I will not answer that question for the same three reasons.

Mr. ARENS. Joseph Phillips?

Mr. STEIN. Yes; I knew Joseph Phillips.

Mr. ARENS. When did you last have contact with him?

Mr. STEIN. Probably about 10 years ago.

Mr. ARENS. Do you know whether or not he has ever been a Communist?

Mr. STEIN. I will not answer that question.

Mr. ARENS. Mary and John Rackliffe?

Mr. STEIN. Did you say Rackliffe?

Mr. ARENS. Yes—R-a-c-k-l-i-f-f-e.

Mr. STEIN. Yes; I knew them in the union.

Mr. ARENS. When did you last have contact with them?

Mr. STEIN. Seven, eight, nine, ten years ago.

Mr. ARENS. Do you know whether or not they were Communists?

Mr. STEIN. I refuse to answer for the same grounds.

Mr. ARENS. Dan Schwartz?

Mr. STEIN. Yes; I knew him.

Mr. ARENS. When did you last have contact with him?

Mr. STEIN. About a year ago I saw him, and he has written me a couple of notes since then.

Mr. ARENS. Where is he now? Do you know?

Mr. STEIN. He was in Denver.

Mr. ARENS. What type of work is he engaged in?

Mr. STEIN. Doing some kind of hospital work out there.

Mr. ARENS. Did you know him in the Federal Government service?

Mr. STEIN. Yes; I think so.

Mr. ARENS. Do you know how long he has been in Denver?

Mr. STEIN. Vaguely, a year or so, maybe two, maybe less; I don't know.

Mr. ARENS. Is he at that big tuberculosis institution?

Mr. STEIN. I think so.

Mr. ARENS. What does he do there?

Mr. STEIN. I am not exactly sure.

Mr. ARENS. Is he a medical man?

Mr. STEIN. No.

Mr. ARENS. Is he an administrator?

Mr. STEIN. I imagine some kind of administrator of some kind.

Mr. ARENS. How many contacts have you had with him in the course of the last year or so?

Mr. STEIN. Oh, we probably exchanged 2 or 3 visits until he moved and then, as I say, I had probably a couple of notes from him.

Mr. ARENS. Do you know whether or not he was a Communist?

Mr. STEIN. I refuse to answer that question for the same three grounds.

Mr. ARENS. Ann and William Rossmore?

Mr. STEIN. Yes; I have known them.

Mr. ARENS. When did you last have contact with them?

Mr. STEIN. William Rossmore, probably about a year ago, and Ann Rossmore, perhaps 3 years ago.

Mr. ARENS. What was the nature of your contact with William Rossmore?

Mr. STEIN. My last contact was purely social. I met them originally in the union.

Mr. ARENS. I beg your pardon?

Mr. STEIN. I met them originally in the union, the last contacts—

Mr. ARENS. Where do they live now?

Mr. STEIN. I think they both live in New Jersey. Exactly where I don't know.

Mr. ARENS. What was the nature of the contact, social exclusively?

Mr. STEIN. Yes, social contact.

Mr. ARENS. You visited in their home, and they visited in your home? What was the nature of the contact?

Mr. STEIN. I think in Stavis' home, I met Mr. Rossmore; Mrs. Rossmore I met casually by accident in the street, as far as I remember.

Mr. ARENS. Bruce and Miriam Waybur?

Mr. STEIN. Yes; I knew them in the union, too.

Mr. ARENS. When did you last have contact with them?

Mr. STEIN. More than 5 years ago.

Mr. ARENS. Do you know whether or not they were Communists?

Mr. STEIN. I will not answer that question for the same reasons.

Mr. ARENS. Are you employed by a labor organization?

Mr. STEIN. I refuse to answer the question as to my present employment for the reasons given.

Mr. ARENS. Are you presently employed by United Electrical Workers?

Mr. STEIN. I refuse to answer that question for the same reasons.

Mr. ARENS. Have you ever known Alfred K. Stern?

(The witness conferred with his counsel.)

Mr. STEIN. I have a vague recollection of having met a Mr. Alfred Stern on 1 or 2 occasions.

Mr. ARENS. Where?

Mr. STEIN. I seem to remember having met him in New York City, but I can't remember the circumstances. It was quite some time ago. It is just a name that was recalled to my memory when I saw it in the newspaper. I remembered having met him.

Mr. ARENS. Have you had any contact with him in the course of the last several years?

Mr. STEIN. No, the meeting was just an introduction.

Mr. ARENS. Do you remember where the introduction took place?

Mr. STEIN. No. I just remember having met him some day in New York City.

Mr. ARENS. Do you remember whether it was a meeting on the street or where?

Mr. STEIN. I can't remember that. It is no less than 7 years ago.

Mr. ARENS. Martha Dodd Stern?

Mr. STEIN. That was probably Mr. Alfred Stern's wife.

Mr. ARENS. Yes.

Mr. STEIN. I don't recall having met her to my knowledge.

Mr. ARENS. Did you ever know Jack Soble?

Mr. STEIN. Jack Soble. Is that the man who is in jail now?

Mr. ARENS. Yes, sir.

Mr. STEIN. No, not to my knowledge. I never heard of him.

Mr. ARENS. Mr. Chairman, there is nothing else we want to pursue with this witness at this time. He has been before the committee previously, as the chairman knows; and a number of matters were gone into. We have no further questions.

The CHAIRMAN. You had a reason for subpoenaing him this morning. Have we pursued what you had in mind?

Mr. ARENS. Yes, sir. By indirection I think we accomplished our objective.

The CHAIRMAN. Mr. Willis, any questions?

Mr. WILLIS. I have no questions.

The CHAIRMAN. Mr. Kearney, any questions?

Mr. KEARNEY. I have no questions.

The CHAIRMAN. You are excused.

The subcommittee will stand in recess subject to the call of the Chair.

(Whereupon, at 11:45 a. m., Tuesday, February 25, 1958, the subcommittee recessed, subject to the call the Chair.)

INVESTIGATION OF SOVIET ESPIONAGE—PART 2

TUESDAY, FEBRUARY 28, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

EXECUTIVE SESSION ¹

A subcommittee of the Committee on Un-American Activities met at 11:10 a. m., in executive session, pursuant to call, in room 227, House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Bernard W. Kearney, of New York; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will come to order.

Mr. ARENS. Mr. Stavis, remain standing and raise your right hand and be sworn.

The CHAIRMAN. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STAVIS. I do, sir.

TESTIMONY OF MORTON STAVIS, ACCOMPANIED BY COUNSEL, JOHN O. BIGELOW

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. STAVIS. I would just like at the outset to state, Mr. Chairman, that I notice you changed the hearings from public to executive. If this is the entire hearing that you expect to have of us, that is perfectly all right; but if this executive session is just a precursor to a public session, well, we happen to be down here today, and we just as leave get it over with.

Mr. ARENS. Would you kindly identify yourself by name, residence, and occupation?

Mr. BIGELOW. I think we are entitled to an answer to that.

The CHAIRMAN. We will determine what we are going to do in the future. We will make that determination.

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation?

Mr. BIGELOW. Don't answer that. Congressman, has Mr. Stavis a right to refuse to appear at a closed session?

¹ Released by the committee and ordered to be printed.

The CHAIRMAN. No; he has not.

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation?

Mr. STAVIS. I want the record to show that the question I posed hasn't yet been answered.

My name is Morton Stavis and I reside at 175 Shelley Avenue, Elizabeth, N. J. My occupation is that of attorney and counselor at law.

Mr. ARENS. Would you kindly tell us, Mr. Stavis, the law firm with which you are identified?

Mr. STAVIS. I am identified with the law firm of Gross, Blumberg & Goldberger.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. STAVIS. I am.

Mr. ARENS. You are represented by counsel?

Mr. STAVIS. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. BIGELOW. John O. Bigelow, B-i-g-e-l-o-w, 744 Broad Street, Newark, N. J.

Mr. ARENS. Mr. Stavis, please tell us where and when you were born.

Mr. STAVIS. Strictly a matter of hearsay, you understand, but I was born, I am told, in New York City on May 27, 1915.

Mr. ARENS. Kindly give us, sir, a brief sketch of your education, in chronological form, please.

Mr. STAVIS. I attended a private grammar school in the city of New York. I attended Townsend Harris Hall High School, and I received a bachelor of science degree from the College of the City of New York in 1933, and I received a bachelor of law degree from the Columbia University Law School in 1936.

Mr. ARENS. Kindly give us in like manner a chronology of your employment since you completed your education.

Mr. STAVIS. If I recall correctly, it was some short while after I was graduated from law school I had a research job.

Mr. ARENS. Where was that, please?

Mr. STAVIS. One of the professors at Columbia University School of Law. I think it was research in the philosophy of law, if my recollection is correct.

I was admitted to the bar of the State of New York in the fall of 1936, and I then became employed by what was then called the Social Security Board.

Mr. ARENS. In what capacity?

Mr. STAVIS. Well, they had different grades of attorneys.

Mr. ARENS. As an attorney?

Mr. STAVIS. Yes.

Mr. ARENS. I do not believe I followed you closely. What was the year you became employed by the Social Security Board?

Mr. STAVIS. 1936; I think, actually, the technical classification was junior attorney.

Mr. ARENS. Where were you employed?

Mr. STAVIS. In Washington, D. C.

Mr. ARENS. How long did you maintain that employment?

Mr. STAVIS. Well, except for a period which I believe was sometime in 1938, when I was employed by Senator Wagner, I continued that employment in what was then the Social Security Board, and subsequently became, if I recall correctly, the Federal Security Agency, until sometime in 1943.

Mr. ARENS. Would you pause there just a moment, please? What was your employment with Senator Wagner?

Mr. STAVIS. Well, as the gentlemen on the committee probably know—and it probably applies to the House as it applies to the Senate—every Senator has a secretary. Senator Wagner always had a secretary who performed a wide variety of work to assist him in the performance of his senatorial duties.

In 1938, Senator Wagner had some additional duties because, in addition to being Senator, he was minority leader at a New York State Constitutional Convention in Albany, and he required an augmentation. In addition to that, he also ran for reelection in 1938 and he required some augmentation of his secretarial staff, and so I assisted on the secretarial staff.

Mr. ARENS. Did you work on the constitutional convention phase of his work, or on his work here in Washington, or just what did you do?

Mr. STAVIS. Well, I worked—

(Witness confers with counsel.)

Mr. STAVIS. I worked on all phases of the Senator's work.

Mr. SCHERER. Witness, would you speak a little louder. I miss many things you say.

Mr. STAVIS. I am sorry. I worked on all phases of the Senator's work.

As the gentlemen on the committee probably know, the function of the secretary is to do research for the Senator, to ascertain the facts with respect to the status of various legislation, to assist in correspondence, to help in the preparation of speeches to be delivered on the floor of the United States Senate.

Mr. ARENS. How long were you with Senator Wagner?

Mr. STAVIS. Let me complete the answer, please.

The CHAIRMAN. We know the functions of a secretary of a Senator.

Mr. STAVIS. I don't know why the question was asked.

Mr. ARENS. Would you kindly tell us how long you were employed by Senator Wagner?

Mr. STAVIS. It was something less than a year.

Mr. ARENS. Did you know him prior to the time that you assumed that employment? How did you get your job with him?

Mr. STAVIS. He was looking for assistance, and a then secretary and a former secretary knew me.

Mr. ARENS. What were their names?

Mr. STAVIS. One of them was Philip Levy, who was the secretary at the time, and the other was Simon Rifkind, who had been secretary previously and subsequently became judge. He was not a judge at that time. He was not a judge at the time but he had been previously a secretary, and they both recommended me for the job.

Mr. ARENS. Now, in 1943 you left the Social Security Board, is that correct?

Mr. STAVIS. It was then the Federal Security Agency. And I have not been employed by the Government ever since.

Mr. ARENS. What has been your employment since 1943 when you left the Federal Security Agency?

Mr. STAVIS. I have been engaged in private practice of law.

Mr. ARENS. Mr. Stavis, are you now, or have you ever been, a member of the Communist Party?

(Witness confers with counsel.)

Mr. STAVIS. I just like to say that first of all, the question seems to have two parts.

Mr. ARENS. Let us take it one by one.

Are you now a member of the Communist Party?

Mr. STAVIS. I object to the question for the reason that it is perfectly obvious that that question has nothing to do with the inquiry for which this committee says it is investigating.

Mr. ARENS. Is that the only reason why you refuse to answer the question?

Mr. STAVIS. Will you allow me to complete my answer, Mr. Arens? I am not used to being interrupted.

Mr. ARENS. Will you answer the question?

Are you now a member of the Communist Party?

Mr. STAVIS. As I was saying, the purpose of this inquiry as stated by the chairman of the committee, and I have it before me, deals with Communists in Government agencies in a period some, I don't know, some 10 or 20 years ago.

Mr. KEARNEY. Mr. Chairman, I suggest the witness be directed to answer.

The CHAIRMAN. Yes; answer the question.

Mr. STAVIS. I am answering.

The CHAIRMAN. You are not answering it at all; you are presenting argument.

Mr. STAVIS. I am answering the question, Mr. Chairman, in my way, and I have always answered questions in my way and I would like to be allowed to continue.

Mr. KEARNEY. In other words, Mr. Chairman, may I assume from the witness that he came here intending to run this committee's meeting this morning?

Mr. STAVIS. I came here in response to a subpoena.

The CHAIRMAN. Are you a member of the Communist Party?

Mr. STAVIS. I am sorry, sir; I didn't hear the——

The CHAIRMAN. Are you a member of the Communist Party?

Mr. STAVIS. The first thing I want to——

The CHAIRMAN. Are you a member of——

Mr. STAVIS. I object to the question and want a ruling as to whether——

The CHAIRMAN. We do not rule on questions here at all.

The question has been asked: Are you a member of the Communist Party?

Mr. STAVIS. Excuse me for a moment.

(Witness confers with counsel.)

Mr. STAVIS. I decline to answer the question for a number of reasons. Firstly, I respectfully refer you to rule 2 of the Rules of Procedure with respect to the Un-American Activities Committee which says:

The subject of any investigation in connection with which witnesses are summoned or shall otherwise appear shall be announced in an opening statement to the Committee before the commencement of any hearings; and the information

sought to be elicited at the hearings shall be relevant and germane to the subject as so stated.

The CHAIRMAN. It is perfectly apparent to everyone that our inquiry is directed to the manner in which our agencies of Government were infiltrated, with the idea of perhaps suggesting legislation that would prevent it from happening again.

Now, you have been asked a very simple question. Are you a member of the Communist Party?

Mr. STAVIS. I am stating to you, and I should like to be allowed to complete it—

The CHAIRMAN. Are you a member of the Communist Party?

Mr. STAVIS. I am stating to you the grounds upon which I decline to answer the question.

The CHAIRMAN. The only valid ground is the fifth amendment or the Constitution itself.

Mr. STAVIS. I beg to differ, sir.

The CHAIRMAN. All right.

Mr. STAVIS. I should like—excuse me, sir.

The CHAIRMAN. No, I will not excuse you. I want you to answer this question. Are you a member of the Communist Party?

Mr. STAVIS. I have stated to you that I decline to answer the question. And that I decline to answer the question upon a number of grounds, and that it is not true, as stated by you, that the only grounds for refusal to answer that question is the fifth amendment.

The CHAIRMAN. Just give your reason.

Mr. STAVIS. The first ground upon which I decline to answer that question is that it's patent—

Mr. BIGELOW. Make it as brief as you can.

Mr. STAVIS (continuing). That the question has nothing to do with the inquiry which the committee is conducting.

Mr. SCHERER. That is ridiculous.

The CHAIRMAN. Of course it is, but go on.

(Witness confers with counsel.)

Mr. STAVIS. I have been practicing law privately for 13 years and haven't been associated with the Government during that entire period of time, except as a citizen or taxpayer, so that obviously any inquiry that you may go into about infiltrating into the Government 15 years ago does not bring into relevance as to my present associations.

The second ground upon which—Mr. Chairman, I think you ought to do me the courtesy of listening to me while I am testifying.

The CHAIRMAN. Go on. I am listening.

Mr. STAVIS. Mr. Chairman, I happen to be a taxpayer paying for these hearings, and if you ask me to come down here you might at least—

The CHAIRMAN. Go ahead, I am listening.

Mr. STAVIS. The second ground upon which I wish to decline to testify is that the power of this committee to interrogate is based solely upon the power to investigate for a legislative purpose. I don't conceive that the committee is conducting any investigation for legislative purpose in these hearings, and I think the committee is conducting a political vendetta against the Roosevelt administration.

The third ground—

Mr. SCHERER. The membership of the committee is Democratically controlled.

Mr. STAVIS. Yes, but I think they would like to see that we don't have another administration like the Roosevelt administration.

Mr. SCHERER. I would agree, but I would not speak for my Democratic colleagues.

Mr. STAVIS. I am sure the chairman agrees, too.

The CHAIRMAN. You speak for yourself, and you are not half as funny as you think.

Mr. STAVIS. I don't intend to be funny.

The third ground on which I decline to answer this question is that I think this committee is seeking to usurp judicial and executive functions, and I don't expect to be a party to it.

Lastly, it's perfectly obvious from the entire course of these hearings that this committee, in calling witnesses, is attempting, in the language of John Lilburne, is attempting to ensnare the witnesses. It seeks not information but, rather, attempts to involve the witnesses in various alleged associations from which difficulties may be sought to be imposed by the committee.

Fortunately, the Constitution of the United States affords me the privilege of not answering those questions, and I refer specifically to the fifth amendment to the Constitution, and I decline to answer the question for all the reasons that I have stated.

Mr. ARENS. Do you invoke the fifth amendment in response to the question?

(Witness confers with counsel.)

Mr. STAVIS. I will stand on my answer.

Mr. ARENS. Do you apprehend that if you give a truthful answer to the question as to whether or not you are now a member of the Communist Party, you would be supplying information which could be used against you in a criminal proceeding?

(Witness confers with counsel.)

Mr. STAVIS. Mr. Arens, you should be aware——

The CHAIRMAN. Answer the question.

Mr. STAVIS. I am answering the question.

The CHAIRMAN. What is your answer?

Mr. STAVIS. Will you allow me to answer it uninterruptedly?

The CHAIRMAN. What is your answer?

Mr. STAVIS. If you will allow me to answer, I will answer it.

The CHAIRMAN. Go ahead and answer it.

Mr. STAVIS. The answer to the question is that the Supreme Court of the United States has expressly said that the witness need not adopt any particular formulation for the invocation of the fifth amendment, and I invoke the privilege of the fifth amendment.

I have made it entirely clear that I invoke the privilege of the fifth amendment, and I stand on my answer.

Mr. SCHERER. And there is a specific direction by the Court for the committee to inquire and ask such questions to determine whether or not the witness is relying on the fifth amendment in good faith. Therefore, counsel's question is perfectly proper.

Mr. ARENS. I respectfully request, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. I direct you to answer that question.

Mr. STAVIS. I am advised by counsel that I can stand on the answer that I have given, and I propose to do so.

Mr. ARENS. Do you know a person, or have you ever known a person, by the name of Martha Stone?

(Witness confers with counsel.)

Mr. STAVIS. For the reasons already given, I decline to answer that question.

Mr. ARENS. While you were employed by the United States Government, were you a member of the Communist Party?

Mr. STAVIS. I want to say at the outset——

Mr. KEARNEY. Mr. Chairman, I again ask that the witness be directed to answer the question. It is a very simple question.

The CHAIRMAN. Answer the question, and then you can advance any reasons that you care to.

Mr. STAVIS. I was about to answer the question.

The CHAIRMAN. While you were employed by the Federal Government, were you a member of the Communist Party?

Mr. STAVIS. Now, I should like to answer the question in my own words.

The CHAIRMAN. You answer the question, and then you can make an explanation.

Mr. STAVIS. I decline to answer the question, for the grounds already stated.

The CHAIRMAN. All right.

Mr. STAVIS. I point out to you that I have been following these hearings in the newspapers, and so far as I know, nobody has even charged before this committee——

Mr. SCHERER. I can't hear.

The CHAIRMAN. Nobody has charged before this committee——

Mr. STAVIS. I said, so far as I know, nobody has even charged before this committee that I was——

The CHAIRMAN. It does not make any difference whether anybody has charged you with it or not. We are merely asking you this question.

Mr. STAVIS. It makes a lot of difference as to whether you are trying to ensnare me.

Mr. ARENS. During the course of your employment in the United States Government, did you have access at any time to confidential or restricted information?

Mr. STAVIS. I can't recall any information at the Social Security Board which anybody could consider to be confidential or restricted, and the same holds true for Senator Wagner's office.

Mr. ARENS. During the course of your employment in the office of the United States Senator, were you under Communist discipline or a member of the Communist Party?

Mr. STAVIS. For the reasons already given, I decline to answer the question.

Mr. ARENS. Have you ever taken a loyalty oath?

(Witness confers with counsel.)

Mr. STAVIS. I don't recall.

Mr. ARENS. Have you served in the Armed Forces of this country?

Mr. STAVIS. No. Unfortunately, I was rejected for physical disability.

Mr. ARENS. Have you ever been the subject of a loyalty investigation?

Mr. STAVIS. I suppose you would call it a loyalty investigation; yes.

Mr. ARENS. Where was that, and when?

Mr. STAVIS. It was in Washington. I think it was in 1940 or 1941, sometime around there. I was cleared, incidentally.

Mr. ARENS. Were you, during the time of the loyalty investigation and as of the time of the clearance, a member of the Communist Party?

Mr. STAVIS. That is the same question that you have asked about three times, and we are just cluttering up the record at this point.

Mr. ARENS. Would you kindly answer the question?

Mr. STAVIS. I decline to answer the question, for the same reasons as I previously gave.

Mr. SCHERER. During that loyalty hearing, you denied that you were a member of the Communist Party, did you not, Witness?

Mr. STAVIS. I have no present recollection.

Mr. SCHERER. Well, you were asked that question, were you not?

The CHAIRMAN. He does not remember.

Mr. STAVIS. I just answered the question, Mr. Scherer, and you have just stated it a second time around. I said I have no present recollection.

Mr. SCHERER. Can you conceive of a loyalty hearing where that question was not asked?

Mr. STAVIS. Certainly, Mr. Scherer.

Mr. ARENS. Was your employment in the Federal Government occasioned, to your knowledge, by any person known by you to be a member of the Communist Party?

Mr. STAVIS. Let me have that question again.

Mr. ARENS. Read it, please.

(The pending question was read by the reporter.)

Mr. STAVIS. No; I happen to know how I got the job in the Federal Government and——

Mr. ARENS. That is the answer?

Mr. STAVIS. I happened not to be acquainted in any way—well, I was recommended to a political affiliation association, and the person who recommended me was the professor at law school.

Mr. ARENS. During your employment in the Federal Security Agency, were you acquainted with the existence in the Agency of a Communist cell?

Mr. STAVIS. This is the fourth time.

Mr. ARENS. Mr. Chairman, I suggest that the witness on this record be admonished that he is acting in a contemptuous manner to a committee of the United States Congress. Contempt in decisions of the court, consists not only of refusal to answer questions which he is obliged to answer, but even in his demeanor.

Mr. STAVIS. I mean no contempt before this committee. I mean only to protect myself and, also, to guard against incursions by this committee into these affairs, which are of no relevance. I decline to answer, for the reasons already given.

Mr. ARENS. Did you ever know a person by the name of William Clifford Holmes?

Mr. STAVIS. Will you identify this gentleman a little bit more?

Mr. ARENS. A resident of Newark, N. J., who is a member of the Negro race.

Mr. STAVIS. Can you help me a little bit more? Was I supposed to have known him, and, if so, when?

Mr. ARENS. Did you know him, personally or have you any recollection of knowing a person by the name of William Clifford Holmes, who lived in Newark, N. J.?

(Witness confers with counsel.)

The CHAIRMAN. To the best of your recollection?

Mr. STAVIS. Well, it's quite possible that I knew him or met him. I am not at the moment able to fix it in my mind.

Mr. BIGELOW. Can you fix him in your mind?

Mr. STAVIS. No.

Mr. ARENS. Do you have any recollection of an association or affiliation with him in the Communist Party?

Mr. STAVIS. Well, I have no recollection of him at the moment; and if you would help me to identify him, I might be able to tell you whether I knew him, but I have already made it entirely clear that I don't propose, for the reasons already given, to answer questions with respect to the Communist Party.

Mr. ARENS. During the course of the time you were employed in the office of the United States Senator, did you know any other persons employed either by a Senator or by a congressional committee who, to your certain knowledge, were members of the Communist Party?

(Witness confers with counsel.)

Mr. STAVIS. It goes back some 18 years, and you are seeking to have me search my memory all the way back to that time without giving me any clues as to what it is you are driving at.

Mr. ARENS. Communist Party membership is what we are driving at.

Mr. STAVIS. Excuse me. This is what I mean by trying to ensnare a witness.

The CHAIRMAN. No, no; it is not at all. This committee is charged with certain responsibilities, and one is to endeavor to devise ways and means of keeping people who are not Americans out of the Government, whether it is in the employ of a United States Senator, Congressman, or an agency of the Government.

Mr. STAVIS. Congressman, you don't have to worry about Senator Wagner. If there were more legislators——

The CHAIRMAN. Just a moment.

Mr. STAVIS. If there were more legislators that emulated him, they would be all right.

The CHAIRMAN. That is right, but he may have been deceived. He may have been handed somebody he did not know about.

Mr. STAVIS. Don't you worry about the good Senator.

Mr. ARENS. Did he have a person on his staff who was a Communist?

Mr. STAVIS. I just told you, you are trying to get me to search back some 18 years and ensnare me. For the reasons I have already stated, I will decline to answer that question.

The CHAIRMAN. Has he been asked the question whether he was a Communist while on Senator Wagner's staff?

Mr. ARENS. Yes.

Mr. STAVIS. Four times, Mr. Chairman.

Mr. KEARNEY. I was going to say, Mr. Chairman, in answer to the witness's remarks a few minutes ago about cluttering the record, that I would like to make the personal observation that if the witness will answer the questions, and not make speeches, the record would not be cluttered.

The CHAIRMAN. That is right.

Mr. ARENS. Mr. Chairman, that would, if you please, conclude the staff inquiry.

I want to make this suggestion to the chairman, that he may want to decide whether or not he wants to have this witness in public session, and if he would want to do so in the course of the next several days, it might be desirable for the chairman to so indicate, to obviate a trip back here.

The CHAIRMAN. All right. The witness is excused.

Mr. STAVIS. Mr. Chairman, I would like to state for the record again that we are here today, and if there is an intention to call us in public session, I should like it to be done today. This is a tremendous inconvenience both to Mrs. Stavis and myself. We have 3 children and I have a busy practice of law, and Judge Bigelow has a busy practice of law; and if it is to be done, I would like to get it over with.

If you are satisfied with this hearing, we can go back.

The CHAIRMAN. Call your next witness, Mr. Arens.

Mr. ARENS. Mrs. Stavis, please remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. STAVIS. I do.

Mr. STAVIS. I appear as cocounsel.

Mr. KEARNEY. I suggest, if Mr. Stavis is not particularly concerned, that he leave the room.

Mr. BIGELOW. Can he appear as cocounsel?

The CHAIRMAN. Yes. This is the witness' husband?

You are husband and wife?

Mrs. STAVIS. Yes.

TESTIMONY OF ESTHER AUERBACH STAVIS, ACCOMPANIED BY COUNSEL, JOHN O. BIGELOW AND MORTON STAVIS

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. STAVIS. I am Esther Stavis, S-t-a-v-i-s, 175 Shelley Avenue, S-h-e-l-l-e-y, Elizabeth, N. J., housewife.

Mr. ARENS. And you are the wife of the person who has just been the witness before the committee, Mr. Morton Stavis?

Mrs. STAVIS. I am the wife of Morton Stavis.

Mr. ARENS. Kindly give us, if you please, Mrs. Stavis, a thumb-nail chronological sketch—

Mr. BIGELOW. You probably want it to appear—

Mr. ARENS. I beg your pardon. You are represented by counsel today?

Mrs. STAVIS. Yes.

Mr. ARENS. You are appearing here today in response to a subpoena?

Mrs. STAVIS. That is right.

Mr. ARENS. Will counsel identify himself?

Mr. BIGELOW. John O. Bigelow, 744 Broad Street, Newark, N. J. With Mr. Morton Stavis.

Mr. ARENS. Please tell us where you were born and a word of your education.

Mrs. STAVIS. I was born in Marinette, Wis., M-a-r-i-n-e-t-t-e, and went to school in Escanaba, Mich., E-s-c-a-n-a-b-a, and I attended the University of Wisconsin, and I also attended the University of Chicago and graduated from Wisconsin in 1932.

Mr. ARENS. Was that the last school you attended?

Mrs. STAVIS. I think I took a little graduate work at Chicago.

Mr. ARENS. Tell us, please, Mrs. Stavis, in similar sketch form, your employments after you completed your formal education.

Mrs. STAVIS. My employment started before I completed my formal education.

Mr. ARENS. Give us a sketch of it.

Mrs. STAVIS. I worked my way through school, and I had jobs around the University of Wisconsin; summertimes in stockyards.

After I finished, I worked for Wilson & Co. in the stockyards. Then I came to Washington in December of 1933. I worked for the FERA, starting as a stenographer for a couple of months.

Mr. ARENS. That was in Washington?

Mrs. STAVIS. In Washington; yes.

Mr. ARENS. Just proceed in the same manner, please.

Mrs. STAVIS. Then I became a statistical clerk, I believe it was, with the FERA; took a civil-service examination for junior economist; started out on a temporary job with the Children's Bureau, Department of Labor.

Mr. ARENS. And the time, please?

Mrs. STAVIS. I guess that would be in about August of 1934, August or September.

Mr. ARENS. Just your best recollection.

Mrs. STAVIS. Yes. You probably have my employment record with the Government.

Mr. ARENS. You go right ahead.

Mrs. STAVIS. You probably know it better than I. A couple of months on that study of industrial-homes work. Then with the Bureau of Labor Statistics, on a cost-of-living study. Let me see, that would carry me through about the spring of 1935-1934, I went with the NRA—I am a little hazy on my dates; this is a long time ago, Mr. ———; what is your name?

Mr. ARENS. Arens.

Mrs. STAVIS. Mr. Arens. I was with the NRA for about a year on a tobacco study. Then I think I was back with cost-of-living for a couple of months in fieldwork, and finally came to the Social Security Board, let's see—when was the act passed; 1935? I guess I was with the Social Security Board in 1936.

I stayed with the Social Security Board until about 1942, when I went with the OPA rent-control research, and left there after about 6 months. I guess that would be in 1943, early in 1943. That ended my Government employment. I worked for the Government about 10 years in all.

Mr. ARENS. Kindly tell us, in very brief form, what employments you engaged in after you left the Government.

Mrs. STAVIS. I had a brief job with the State, County and Municipal Workers for about, oh, I guess it's 3 or 4 months. I don't remember the exact period.

Mr. ARENS. That was about 1944?

Mr. STAVIS. Yes; that would be 1944. It ended in about April of 1944; so it must have been, I think, about December of 1943 that I started. Then I had one job for about 2 weeks or so in Kenilworth. I don't even remember the name of the company, but I was stenographer and bookkeeper there.

Mr. ARENS. Just go ahead, if you please.

Mrs. STAVIS. That is the extent of my employment. I have been employed very steadily, but in unpaid employment at home.

Mr. ARENS. I understand.

Are you a member of the Communist Party, Mrs. Stavis?

Mrs. STAVIS. I want to get my position straight on that right away. I am not going to answer any questions in this area of questioning. There are several reasons why I don't want to answer questions, several reasons on which I base my refusal to answer questions. First, I think that the committee is out of line in this whole——

Mr. KEARNEY. Mr. Chairman, may I suggest that the witness be directed to answer the questions of counsel?

Mr. BIGELOW. The witness has already refused to answer, I think.

The CHAIRMAN. She has refused to answer the question. Now she is stating the reason.

Mrs. STAVIS. Stating my reason.

Mr. KEARNEY. I do not think there is any reason involved when she starts to make a speech that the committee is out of line. She can make certain answers if she wants to take advantage of any particular amendment of the Constitution for refusing to answer, but I think, as far as——

The CHAIRMAN. She will, ultimately, I am sure, base her objection on a valid reason. Go ahead.

Mrs. STAVIS. I think that the committee is out of line in this whole investigation. I think that it is usurping both judicial and executive power in bringing me here, in general.

I think the subject of your inquiry is, as I understand it, subversive-propaganda activities. This investigation, so far as I have seen, has nothing to do with that.

Mr. KEARNEY. In other words, you have no use for this committee; is that it?

Mrs. STAVIS. I don't want you to put words in my mouth.

Mr. KEARNEY. I am not putting any words——

Mrs. STAVIS. May I ask you your name?

Mr. KEARNEY. My name is Kearney.

Mrs. STAVIS. How do you do, Mr. Kearney. Secondly, we have certain constitutional guaranties, and those constitutional guaranties——

Mr. KEARNEY. That is perfectly true; we agree with you.

Mrs. STAVIS. Freedom of speech and assembly. Thirdly, the whole Constitution is——

Mr. KEARNEY. I will ask you another question. You do not believe in the work that this committee is engaged in here?

Mrs. STAVIS. Did you bring me to ask my beliefs on that?

Mr. KEARNEY. You started it.

Mrs. STAVIS. I can give my opinions voluntarily, but are you interested in my opinions as a citizen?

The CHAIRMAN. Answer the question.

Mrs. STAVIS. I am confused. What question did you ask?

The CHAIRMAN. What question did you think you were answering?

Mrs. STAVIS. I thought I was answering the original question of why I am refusing to give information.

The CHAIRMAN. That is it, exactly.

Mrs. STAVIS. Is that it?

The CHAIRMAN. Exactly.

Mrs. STAVIS. Then we are straight on that. Thirdly, I think that, as a citizen, I have certain rights guaranteed me under the Constitution which do protect me from you, and I am referring to the first amendment and to the fifth amendment, and I include in the fifth amendment two parts, the due-process clause and the privilege against testifying against one self, and no inference need be drawn from that refusal.

The CHAIRMAN. That is your statement; no inference can be drawn?

Mrs. STAVIS. Yes; that is my statement.

The CHAIRMAN. We have a right, and the American people can draw any inference they wish to draw.

Mr. ARENS. Have you ever been known as Esther Auerbach?

Mrs. STAVIS. Yes; that was my maiden name.

Mr. ARENS. Mrs. Stavis, did you ever live out in Burbank, Calif.?

Mrs. STAVIS. No.

Mr. ARENS. Have you ever been a resident or visitor out in North Hollywood, Calif.?

Mrs. STAVIS. Which is North Hollywood?—Yes.

Mr. ARENS. When were you out there?

Mrs. STAVIS. I was out there a couple of months ago.

Mr. ARENS. What occasioned your presence out there?

Mrs. STAVIS. Is that germane to the subject of this inquiry?

Mr. ARENS. Yes, ma'am.

Mrs. STAVIS. May I?

(Witness confers with counsel.)

Mrs. STAVIS. I have an aunt out there. She is the only living aunt that I have. She is blind.

The CHAIRMAN. Then the answer is that you went to California to visit an aunt?

Mrs. STAVIS. I went to California to visit relatives; yes.

Mr. ARENS. Were you there in 1950?

Mrs. STAVIS. We were there to visit relatives. When was it? Five years ago; yes.

Mr. ARENS. Did you engage in any Communist Party activities in California in 1950?

(Witness confers with counsel.)

Mrs. STAVIS. Mr. Chairman—

The CHAIRMAN. Did you?

Mrs. STAVIS. Mr. Chairman, this is—

The CHAIRMAN. Did you engage in any Communist activities?

This may seem very funny to you but it is not funny, it is serious.

In 1950, when you were in California, did you engage in any Communist activities?

Mrs. STAVIS. I am trying to reconstruct every day of a visit there with relatives, in which we saw a lot of relatives and in which we had our three children with us.

The CHAIRMAN. Did you engage in any Communist activities?

Mrs. STAVIS. I am not going to answer questions with regard to Communist activities because it's so——

The CHAIRMAN. All right.

Mrs. STAVIS. Just a moment.

(Witness confers with counsel.)

Mrs. STAVIS. I have some knowledge, not very much knowledge, but I am afraid of the doctrine of waiver; and if I should answer this question, you might consider that I have waived my constitutional right to answer other questions on the same general subject.

Mr. ARENS. Did you distribute peace petitions while you were in California in 1950?

Mr. SCHERER. Wait a minute. I ask you to direct the witness.

The CHAIRMAN. You are directed to answer that question.

Mrs. STAVIS. I decline to answer that question for the reasons given before.

Mr. ARENS. Did you distribute peace petitions when you were in California in 1950?

(Witness confers with counsel.)

Mrs. STAVIS. I am not going to answer such questions for the reasons given.

Mr. ARENS. What reasons?

Mrs. STAVIS. I am unwilling to be a witness against myself and I refuse to answer.

Mr. ARENS. What part of California were you visiting in 1950?

Mrs. STAVIS. It was North Hollywood with my three children, who were then at that time——

The CHAIRMAN. We are not concerned with whom you visited. You visited North Hollywood. Go ahead.

Mr. ARENS. Did you distribute leaflets on Korea while you were in Burbank or North Hollywood in 1950?

Mrs. STAVIS. I am declining to answer these questions for the reasons before given. I will say it's fantastic.

Mr. ARENS. Well, if you did not, you of course——

Mrs. STAVIS. You may draw any inferences from this you want, Mr. Arens; that is not my problem.

Mr. ARENS. You feel if you gave a truthful answer to the question as to whether or not you distributed leaflets in California——

Mrs. STAVIS. I don't have to answer.

Mr. ARENS. Permit me to complete my question.

Do you honestly apprehend that if you would give a truthful answer as to whether or not you distributed leaflets in California in 1950, you would be supplying information which could be used against you in a criminal proceeding?

(Witness confers with counsel.)

Mrs. STAVIS. I stand on my answer.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer.

The CHAIRMAN. You are directed to answer.

Mrs. STAVIS. I stand on my answer.

Mr. ARENS. Were you arrested in Burbank, Calif., in 1950?

Mrs. STAVIS. No.

Mr. ARENS. Have you ever been a member of the Washington Bookshop in Washington, D. C.?

Mrs. STAVIS. That is an area on which I am going to refuse to answer questions because that, if I understand correctly, is on the Attorney General's list, and I am not answering any questions on the Attorney General's list for the reasons I stated previously.

Mr. ARENS. Have you ever been connected with the American League for Peace and Democracy?

Mrs. STAVIS. Same answer.

Mr. ARENS. While you were in the employ of the United States Government, were you a member of the Communist Party?

Mrs. STAVIS. I am going to refuse to answer that question for the reasons already given.

Mr. ARENS. Mr. Chairman that would conclude the interrogation by the staff.

The CHAIRMAN. The witness is excused.

(Whereupon, at 12:05 p. m., Tuesday, February 28, 1956, the subcommittee recessed, subject to the call of the Chair.)

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